

WEST VIRGINIA
STATE BOARD OF LANDSCAPE ARCHITECTS
MORGANTOWN, WEST VIRGINIA

obsolete
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RULES AND REGULATIONS
ADOPTED
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SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 10-31-75

WEST VIRGINIA STATE BOARD OF LANDSCAPE ARCHITECTS

RULES AND REGULATIONS

Section 1. DUTIES OF THE BOARD

- 1.1 The Board will elect a Treasurer from its membership who will keep accurate and complete records of all transactions of the Board.
- 1.2 The Secretary of the Board shall forward a copy of the Rules and Regulations and a copy of the Act along with all applications to the applicants.

Section 2. ADMINISTRATION

- 2.1 A renewal notice shall be sent to all licensee holders not later than the last business day in April of each year. The application for renewal shall be due on or before June 30 of each year.
- 2.2 Renewal after June 30 shall require the late renewal fee as stipulated in the law.
- 2.3 Before issuing any license or renewal the Board shall collect from the person licensed the full amount of all fees due for the preceeding years.

Section 3. APPLICATIONS

- 3.1 Applications for registration as a landscape architect will be received at any time during regular business hours at the office of the Board. But applications for written examination shall be filed with the prescribed fee in such office at least six (6) weeks prior to the opening date of the examination.
- 3.2 All fees payable by applicants shall accompany the applications.
- 3.3 The Board reserves the right to request additional information from each applicant together with any necessary documentary evidence in cases where questions concerning qualifications may arise. Personal appearances before the Board shall be at a time and place designated by the Board.

- 3.4 The Board reserves the right to retain any and all documents submitted as evidence of qualifications for registration. Photostatic copies of original documents may be submitted if notarized as true copies.
- 3.5 Failure to comply with a written request from the Board for additional evidence or information or to appear before the Board when deemed necessary within sixty (60) days of such notice may be sufficient and just cause for the disapproval of the application.
- 3.6 Members of the Board may not serve as references or endorsers for applicants.
- 3.7 The Board reserves the right to exercise the discretion provided in the Act by requiring the applicant to qualify by either
- a. passing the regular written or oral or written and oral examination or
 - b. having a satisfactory examination record from another state providing it is deemed equal to or stronger than the examination in West Virginia or
 - c. by meeting the qualifications as stated in Section 30-22-6 of the Act.
- 3.8 All applicants who seek registration under Section 30-22-6 (b) (2) shall submit satisfactory proof of registration in good standing in any state or states of present registration and shall indicate whether registration was obtained under a Grandfather Clause or by examination or other means in the particular state in which registration was granted.
- 3.9 All applicants shall be considered individually by the Board and passed or rejected by a roll call vote. The action taken by the Board shall be recorded in the Minutes. Approval of an applicant will require a majority vote of the Board.
- 3.10 All applications for registration under Section 30-22-6 (2) (c) as amended must be received by the Board no later than July 1, 1974.
- 3.11 An outline of the action taken by the Board shall be placed with each application.

- 3.12 The Board reserves the right to establish or change the classification under which the applicant is claiming eligibility.
- 3.13 Military experience shall be acceptable to the Board provided it has been spent in landscape architecture as defined in the Act.
- 3.14 All persons engaged primarily in the sales and installations of products (landscape materials - plants and construction), rather than the sale of services (landscape design plans and details) or in the education of students in the preparation of landscape design plans and details, shall not be licensed as landscape architects in the State of West Virginia unless they have passed the standard examination as proved in Section 30-22-5 (2) of the Act. The sales and installation of products such as landscape materials (plants and construction) cannot be considered professional services. Any plans or sketches drawn by the same person solely for the promotion and sale of his own products cannot be considered professional services.
- 3.15 Renewal will not be granted until a copy of each licensee's seal (rubber stamp and/or embossing) is submitted to and approved by the Board. (See also Section 6: Licensee's Seal).
- 3.16 Renewal will not be granted until a copy of the form reporting "Partnerships and Corporations" is completed and submitted to the Board.
- 3.17 Those persons not filing for renewal within four months of the renewal date, shall be required to return their license (Certificate) to the Board until such time as they apply for renewal and have their license re-instated by the Board.

Section 4. FEES

- 4.1 Renewal Fees= twenty five dollars (\$25.00). A renewal fee shall not be required for fiscal year 1972-73. The Secretary shall notify all license holders of the renewal dates on or before May 1 of each year.
- 4.2 Late Renewal Fee= fifteen dollars (\$15.00). Specified in Section 30-22-7 of the Act.

- 4.3 Temporary Permit= fifteen dollars (\$15.00). Specified in Section 30-22-8 (b) of the Act.
- 4.4 Duplicate License= ten dollars (\$10.00). Specified in Section 30-22-7 of the Act.
- 4.5 License= forty dollars (\$40.00). Specified in Section 30-22-6 (d) of the Act.
- 4.6 Reinstatement of a lapsed license due to non-renewal shall require in addition to the normal renewal fee, one previous years' renewal fee plus a late renewal fee.
- 4.7 No fee is refundable except for the License Fee as prescribed in Section 30-22-6 (d) of the Act.

Section 5. PROFESSIONAL ETHICS

- 5.1 The landscape architect shall conduct his practice in order to protect the public health, safety and welfare. The landscape architect shall at all times recognize his primary obligation to protect the safety, health, and welfare of the public in the performance of his professional duties. If his landscape architectural judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, he shall inform his employer of the possible consequences and notify such other proper authority of the situation, as may be appropriate.
- 5.2 The landscape architect shall perform his services only in areas of his competence.
 - A. The landscape architect shall undertake to perform landscape architectural assignments only when qualified by education or experience in the specific technical field of professional landscape architecture involved.
 - B. The landscape architect may accept an assignment requiring education or experience outside of his own field of competence, but only to the extent that his services are restricted to those phases of the project in which he is qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees.

- C. The landscape architect shall not affix his signature and/or seal to any landscape architectural plan or document dealing with subject matter to which he lacks competence by virtue of education or experience, nor to any such plan or document not prepared under his direct supervisory control.
- D. In the event a question arises as to the competence of a landscape architect to perform a landscape architectural assignment in specific technical field of landscape architecture which cannot be otherwise resolved to the Board's satisfaction, the Board, either upon request of the landscape architect or by its own volition, may require him to submit to an appropriate examination as determined by the Board.

5.3 The landscape architect shall issue public statements only in an objective and truthful manner.

- A. The landscape architect shall be completely objective and truthful in all professional reports, statements, or testimony. He shall include all relevant and pertinent information in such reports, statements, or testimony.
- B. The landscape architect, when serving as an expert or technical witness before any court, commission, or other tribunal, shall 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 his testimony.
- C. The landscape architect will issue no statements, criticisms, or arguments on landscape architectural matters connected with public policy which are inspired or paid for by an interested party, or parties, unless he has prefaced his comment by explicitly identifying himself, by disclosing the identities of the party or parties on whose behalf he is speaking, and by revealing the existence of any pecuniary interest he may have in the instant matters.

5.4 The landscape architect shall avoid conflicts of interest.

- A. The landscape architect shall conscientiously avoid conflicts of interest with his employer or client, but, when unavoidable, the landscape architect shall forthwith disclose the circumstances to his employer or client.

- B. The landscape architect shall avoid all known conflicts of interest with his employer or client and shall promptly inform his employer or client of any business association, interests, or circumstances which could influence his judgment or the quality of his services.
- C. The landscape architect shall not accept compensation, financial or otherwise, from more than one party for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.
- D. The landscape architect shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.
- E. The landscape architect shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his client or employer in connection with work for which he is responsible.
- F. When in public service as a member, advisor, or employee of a governmental body or department, the landscape architect shall not participate in considerations or actions with respect to services provided by him or his organization in private landscape architectural practices.
- G. The landscape architect shall not solicit or accept a landscape architectural contract from a governmental body on which a principal or officer of his organization serves as a member.

5.5 The landscape architect shall solicit or accept work only on the basis of his qualifications.

- A. The landscape architect shall not offer to pay, either directly or indirectly, any commission, political contribution, or a gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.
- B. The landscape architect shall seek professional employment on the basis of qualification and competence for proper accomplishment of the work. He shall not solicit or submit proposals for professional services on the basis of competitive bidding. Competitive bidding is defined as the formal or informal submission, or receipt, or verbal or written estimates of cost or proposals in terms of dollars, man-days of work required, percentage of construction cost, or any other measure of compensation whereby the prospective client may compare landscape architectural services on a price basis prior to the time that one landscape architect, or one landscape architectural organization, has been selected for negotiations; provided, however, the submission and discussion of data published by professional landscape architectural societies is not considered to constitute competitive bidding.

- C. The landscape architect shall not falsify or permit misrepresentation of his, or his associates', academic or professional qualifications. He shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint venturers, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work.

5.6 The landscape architect shall associate only with reputable persons or organizations.

- A. The landscape architect shall not knowingly associate with or permit the use of his name or firm in a business venture by any person or firm which he knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.
- B. If the landscape architect has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or of the (name of state registration law), he shall present such information to the Board in writing and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.

5.7 Conviction of a felony without restoration of civil rights, or the revocation or suspension of a professional landscape architect's license by another jurisdiction, if for a cause which in the State of West Virginia would constitute a violation of the code (30-22) or of these rules, shall be grounds for a charge of violation of these rules.

Section 6. LICENSEES' SEAL

- 6.1 Each licensee shall obtain a rubber stamp or embosser seal following the wording and format shown here, provided that minor modifications as to size and marginal lines may be approved by the Board as long as the seal is easily legible.

- 6.2 An impression of any seal (rubber stamp or embossing) must be filed with and approved by the Board before it may be used.
- 6.3 An impression of the seal shall be affixed over the licensee's signature on all documents prepared by him or under his immediate and responsible supervision for use in the State of West Virginia.
- 6.4 The use of one's seal on any plans, drawings, specifications, reports or other instruments of service which were not prepared by him or under his immediate and responsible supervision, or permitting one's name to be used for the purpose of assisting any person to evade the provisions of the code Chapter 30-Article 22 shall subject such person to suspension or revocation of license or temporary permit.

Section 7. HEARINGS

- 7.1 Hearings shall be granted by the Board in accordance with the code of West Virginia Chapters 29A-5 and 30-22-12, as amended, upon written request and receipt of security for the costs of such hearing;

Provided that:

- a. such written request shall state the matters to be decided by such hearing, shall state whether the person requesting the hearing will represent himself or will be represented by an attorney at law, and shall identify such attorney;
 - b. the security for the costs of such hearing shall be in the form of a Bond or Cashiers Check made out to the West Virginia State Board of Landscape Architects in the amount of \$5,000.00;
 - c. if such person does not substantially prevail at such hearing the security for the costs of such hearing shall be forfeited;
 - d. the date, place and time of such hearing shall be established by the Board in accordance with the Code;
 - e. all expenses of such hearing shall be paid by the person requesting the hearing, including the expense of recording, transcribing and publishing of the proceedings of such hearing as provided in the Code as well as the expense of the Board.
- 7.2 Evidence shall be received at any hearing following the Code 29A-2, Rules of Evidence.

- 7.3 Documentary evidence may be received in the form of copies or excerpts if submitted as certified copies.
- 7.4 The decision of the Board shall be final unless reversed, vacated, or modified upon judicial review thereof in accordance with the provision of the Code 29A-5-4 and 30-22-13.

WEST VIRGINIA STATE BOARD OF LANDSCAPE ARCHITECTS

APPLICATION FOR REGISTRATION AS A LANDSCAPE ARCHITECT

Cement unmounted recent
photograph. Approximate
size 2 1/4" x 2 1/4".

DO NOT WRITE IN THIS SPACE

CERTIFICATE NO.

DATE ISSUED

APPLICATION FEE, CHECK NO.

DATE RECEIVED.....

APPLICATION REVIEW DATE.....

ACTION DATE.

PERSONAL DATA

1. FULL NAME (Print or type
as you wish it to appear
on your certificate.)

first

middle

last

2. ☐ HOME ADDRESS

number

street

phone

city

state

zip code

3. ☐ BUSINESS ADDRESS

name of firm

(Please check your
mailing address)

number

street

phone

city

state

zip code

4. PLACE OF BIRTH

city

county

state

5. DATE OF BIRTH

month

day

year

6. LEGAL RESIDENCE
LENGTH OF TIME

7. U. S. CITIZEN Yes _____ No _____

8. RESIDENT OF WEST VIRGINIA Yes _____ No _____

State _____

9. Have you ever been convicted of a felony in this state or any state?

Yes _____ No _____

If yes explain _____

EDUCATION (Append additional sheets if necessary)

Highest Grade Completed (circle) 1 2 3 4 5 6 7 8 9 10 11 12

Last High School Attended _____

College or University
(in chronological order)

	Name	Location	Major	Dates	Degree Received
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____

REGISTRATION IN OTHER STATES: Yes _____ No _____

State Registration Title Date Issued Certificate No.

1. _____

2. Registration by Examination: Yes _____ No _____

If not how? _____

3. Is certificate now in force? Yes _____ No _____

4. Has certificate ever been revoked? Yes _____ No _____

If yes, why? _____

EXPERIENCE (Append additional sheets if necessary)

Give full details concerning periods of employment which contribute to your work experience in the practice of landscape architecture. Start with present position and work back, explain clearly the nature and character of work performed; magnitude and scope; responsibilities and duties.

	Description of Duties
Name of Employer	
Address of Employer	
Dates of Employment	
from _____ to _____	

	Description of Duties
Name of Employer	
Address of Employer	
Dates of Employment	
from _____ to _____	

Name of Employer	Description of Duties
Address of Employer	
Dates of Employment	
from _____ to _____	

Name of Employer	Description of Duties
Address of Employer	
Dates of Employment	
from _____ to _____	

Name of Employer	Description of Duties
Address of Employer	
Dates of Employment	
from _____ to _____	

REFERENCES

Applicant will give references of not fewer than four reputable citizens, unrelated to him, two shall be qualified landscape architects and two shall be general and character references. (A member of the West Virginia State Board of Landscape Architects cannot be used as a reference.)

Name	Address
1. _____	_____ _____
2. _____	_____ _____
3. _____	_____ _____
4. _____	_____ _____

PROFESSIONAL ORGANIZATIONS

Name	Type of Membership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

List any additional information which attests to your being qualified to register as a landscape architect in West Virginia.

AFFIDAVIT

The undersigned hereby applies for a certificate of registration as a landscape architect in West Virginia and vouches for the truth and accuracy of all statements and answers contained herein with full knowledge that Fraud or Misrepresentation Is Grounds For Refusal Or Subsequent Revocation Of A Certificate.

Signature of Applicant

Subscribed and sworn to before me this _____
day of _____ ; 19 _____
Notary Public in and for the County of _____
State of _____

Warning: Be sure the application is properly signed and notarized. Check to see that all questions are answered and fee is attached.



WEST VIRGINIA STATE BOARD OF LANDSCAPE ARCHITECTS
POST OFFICE BOX 4231, STAR CITY, WEST VIRGINIA 26505

RENEWAL OF LANDSCAPE ARCHITECTURE LICENSE 1975-76
STATE OF WEST VIRGINIA

Please renew my license to practice Landscape Architecture in the State of West Virginia for the year 1975 - 76. My certificate number is _____. Enclosed is my check in the amount of twenty-five dollars (\$25.00) to cover the renewal fee, or forty dollars (\$40.00) to cover the cost of late renewal (July 1, 1975 and thereafter).

My mailing address is:

Please check if this is a new address _____

IMPRINT OF SEAL

Signature

G.W. LONGENECKER, CHAIRMAN, TREASURER

CLIFFORD W. COLLIER, SECRETARY

CHARLES PRICE