

**PROPOSED REGULATION OF THE
STATE BOARD OF LANDSCAPE ARCHITECTURE**

LCB File No. R055-20

May 26, 2020

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 623A.130 and 623A.240; §§2-4, NRS 623A.130.

A REGULATION relating to landscape architects; revising certain fees charged by the State Board of Landscape Architecture; revising provisions concerning complaints filed against persons who hold a certificate of registration as a landscape architect or a certificate to practice as a landscape architect intern; repealing the term “designated member of the Board”; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Landscape Architecture to adopt regulations for the administration of the provisions of law governing landscape architects. (NRS 623A.130)

Existing law requires the Board to set certain fees and authorizes the Board to conduct certain other activities related to the charge and collection of fees. (NRS 623A.240) Existing regulations set forth the fees charged by the Board. (NAC 623A.170) **Section 1** of this regulation revises certain fees.

Existing law requires a complaint against a person who holds a certificate of registration as a landscape architect or a certificate to practice as a landscape architect intern to be filed with the Executive Director of the Board. (NRS 623A.290) Existing law further requires the Executive Director to review the complaint and make a recommendation to the Board as to whether further proceedings are warranted. (NRS 623A.305)

Existing regulations set forth various procedures for the filing of a complaint, its delivery to the respondent and the required response by the respondent. (NAC 623A.505, 623A.507, 623A.509) Further, existing regulations require a designated member of the Board to review the response and complaint and to make a recommendation to the Board concerning the complaint. (NAC 623A.511) Existing regulations define “designated member of the Board” as: (1) the President of the Board; or (2) a member of the Board designated by the President. (NAC 623A.034) **Section 2** of this regulation requires the Executive Director, instead of a designated member of the Board, to make such a review and recommendation to the Board concerning the complaint. **Section 3** of this regulation makes a conforming change. **Section 4** of this regulation also makes a conforming change by repealing the term “designated member of the Board.”

Section 1. NAC 623A.170 is hereby amended to read as follows:

623A.170 1. The Board will charge and collect the following fees:

Application fee for a certificate of registration pursuant to the provisions of NAC 623A.220 or 623A.226.....	[\$200.00] \$300.00
Application fee for a certificate of registration pursuant to the provisions of NAC 623A.222.....	[200.00] 300.00
Application fee for a certificate to practice as a landscape architect intern.....	[100.00] 50.00
Examination fee for the Nevada specific examination for an applicant for a certificate of registration.....	100.00
Fee for the review of a Nevada specific examination, if requested pursuant to NAC 623A.250	[75.00] 100.00
Certificate of registration.....	[25.00] 50.00
Certificate of eligibility.....	300.00
Certificate to practice as a landscape architect intern.....	[25.00] 50.00
Annual renewal fee for a certificate of registration.....	[200.00] 300.00
Delinquency fee for a certificate of registration.....	[50.00] 100.00
Reinstatement fee for a certificate of registration.....	[300.00] 400.00
Annual renewal fee for a certificate of eligibility.....	125.00
Annual renewal fee for a certificate to practice as a landscape architect intern.....	[125.00] 50.00

Delinquency fee for a certificate to practice as a landscape architect intern.....	[50.00] 100.00
Reinstatement fee for a certificate to practice as a landscape architect intern.....	[300.00] 400.00
Change of address fee	[10.00] 20.00
Fee for a duplicate certificate of eligibility.....	[30.00] 50.00
Fee for an official stamp	50.00
Fee for an electronic official stamp.....	50.00
Mailing list, all registrants	[10.00] 20.00
Returned check	25.00
Copy of the <i>Construction Industry Reference Manual</i> , which is also known as the "Blue Book".....	5.00
Copy of a document, per page	[.25] .50

2. The renewal fee for a certificate of registration or a certificate to practice as a landscape architect intern will be prorated on a monthly basis for each month after July 1 that the renewal fee is submitted.

Sec. 2. NAC 623A.511 is hereby amended to read as follows:

623A.511 1. Upon the receipt of the response to a complaint pursuant to NAC 623A.509, the ~~[designated member of the Board]~~ **Executive Director** shall review the complaint and the response to determine whether a probable violation of this chapter or chapter 623A of NRS has occurred.

2. The ~~designated member of the Board~~ *Executive Director* may consult with ~~the Executive Director or~~ the legal counsel for the Board in conducting the review of a complaint pursuant to the provisions of subsection 1.

3. After conducting a review of a complaint pursuant to the provisions of subsection 1, the ~~designated member of the Board~~ *Executive Director* shall recommend to the Board that:

- (a) The Board dismiss the complaint; or
- (b) The Board proceed with a formal disciplinary hearing and schedule the matter for a disciplinary hearing.

Sec. 3. NAC 623A.513 is hereby amended to read as follows:

623A.513 1. At a public meeting of the Board, the Board will review the recommendation of the ~~designated member of the Board~~ *Executive Director* on a complaint provided pursuant to the provisions of NAC 623A.511 and decide whether to:

- (a) Dismiss the complaint; or
- (b) Proceed with a formal disciplinary hearing on the complaint and fix a date for the hearing on the matter.

2. If the Board decides pursuant to the provisions of subsection 1 to dismiss the complaint, the Board will provide a copy of its decision to the complainant and the respondent.

3. If the Board decides pursuant to the provisions of subsection 1 to proceed with a formal disciplinary hearing, the legal counsel for the Board shall prepare:

- (a) A formal disciplinary complaint setting forth the specific violations of this chapter or chapter 623A of NRS that the respondent is alleged to have violated; and
- (b) A notice of hearing pursuant to the provisions of NAC 623A.520.

4. The legal counsel for the Board shall serve the formal disciplinary complaint and the notice of hearing prepared pursuant to the provisions of subsection 3 upon the respondent by certified mail, return receipt requested.

Sec. 4. NAC 623A.034 is hereby repealed.

TEXT OF REPEALED SECTION

623A.034 “Designated member of the Board” defined. (NRS 623A.130) “Designated member of the Board” means:

1. The President of the Board; or
2. The member of the Board designated by the President of the Board pursuant to the provisions of NRS 623A.305.