

**MISSISSIPPI STATE BOARD OF ARCHITECTURE  
LANDSCAPE ARCHITECTURE ADVISORY COMMITTEE  
RULES AND REGULATIONS**

Final Rules Proposed February 7, 2020; Effective October 19, 2020

**CLEAN**

**Title 30, Part 202, Chapter 1: Registration and Definitions**

*Rule 1.3 Exceptions-Ineligibility.*

Acts sufficient to preclude an applicant's eligibility for registration shall include, but not be limited to, the following:

- A. Practicing Landscape Architecture without registration in violation of any jurisdiction;
- B. Conviction of a felony, except conviction of culpable negligent manslaughter, directly related to the duties and responsibilities of the practice of landscape architecture;
- C. Misrepresentations or falsifications of facts filed in the application.

Source: *Miss. Code Ann.* §73-2-7(a)

*Rule 1.14 Definitions of Practices Exempt from Licensing.*

The following definitions shall apply to the exempted trades and professions identified in *Miss. Code Ann.* § 73-2-19:

- A. “Arborists” – Persons engaged in tree surgery work as defined in *Miss. Code Ann.* § 69-19-5 and licensed by the Mississippi Department of Agriculture and Commerce as tree surgeons.
- B. “Floriculturists” – Persons engaged in horticultural and floricultural work as defined in *Miss. Code Ann.* § 69-19-5 and licensed by the Mississippi Department of Agriculture and Commerce as landscape horticulturists.
- C. “Foresters” – Persons licensed by the Mississippi Board of Registration for Foresters to practice forestry as defined in *Miss. Code Ann.* § 73-36-03.
- D. “Gardeners” – Persons engaged in horticultural and floricultural work as defined in *Miss. Code Ann.* § 69-19-5 and licensed by the Mississippi Department of Agriculture and Commerce as landscape horticulturists.
- E. “Golf course architects” – The Committee considers the term “golf course architects” to apply to persons who perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications and responsible supervision, where the dominant purpose of such service is the design of a golf course, in accordance with accepted professional standards of public health and safety, or any individual certified by the American Society of Golf Course Architects engaging in the occupation of golf course design, specifically, the designing and preparation of all required working drawings.
- F. “Home builders” – Contractors holding the appropriate license issued by the Mississippi State Board of Contractors as defined in Title 31, Chapter 3, and Title 73, Chapter 59 of the Mississippi Code.

- G. “Landscape contractor” – A contractor holding the appropriate license issued by the Mississippi State Board of Contractors as defined in Title 31, Chapter 3, and Title 73, Chapter 59 of the Mississippi Code.
- H. “Nurseryman” – A tradesman associated with a nursery that has been certified to sell nursery stock by the Mississippi Department of Agriculture and Commerce as required by the Mississippi Plant Act (*Miss. Code Ann.* §§ 69-25-1 through 69-25-47).
- I. “Ornamental horticulturists” – Persons engaged in horticultural and floricultural work as defined in *Miss. Code Ann.* § 69-19-5 and licensed by the Mississippi Department of Agriculture and Commerce as landscape horticulturists.
- J. “Regional and urban planners” – The Committee considers the term “regional and urban planners” to apply to planners who evaluate and develop land use plans to provide for regional and urban projections of growth patterns based on demographic needs and who hold a verifiable credential in that field.

Under no circumstances may a person qualifying for an exemption under *Miss. Code Ann.* § 73-2-19 make use of the title “landscape architect” unless such person shall have secured from the Mississippi State Board of Architecture a license as a landscape architect.

Source: *Miss. Code Ann.* §73-2-19

**Title 30, Part 202, Chapter 2: Professional Code of Conduct**

*Rule 2.5 Compliance with the Law.*

2.5.1 A Landscape Architect shall not, in the conduct of the Landscape Architect's practice, knowingly violate any state or federal criminal law directly related to the duties and responsibilities of the practice of landscape architecture.

Source: *Miss. Code Ann.* §73-2-16(2)(a)

**Title 30, Part 202, Chapter 3: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances**

*Rule 3.1 Disciplinary Guidelines.*

The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating the Law and Rules of the Board. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of the law. The disciplinary guidelines are based upon a single count violation of each provision listed. multiple counts of violations of the same provision of the law or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties, i.e., suspension, revocation, etc., including lesser penalties, i.e., fine, probation, or reprimand which may be included in the final penalty at the Board's discretion. The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the above mentioned statutes and rules:

- A. Failure to stamp plans 1.11.2 Reprimand and \$250 fine

B. Failure to superimpose signature and/or date of execution over stamp	1.11.3	Reprimand and \$250 fine
C. Providing work not competent to perform	2.2.3	Reprimand and \$1,000 fine
D. "Plan Stamping"	2.6.2	Reprimand and \$1,000 fine
E. Attempting to procure license by providing false, deceptive or misleading information	§73-2-16	Revocation and \$1,000 fine (denial of license if application in process)
F. Licensee disciplined by another jurisdiction	2.5.4	Committee discretion
G. Conviction by any court of a felony relating to landscape architecture, except conviction of culpable negligent manslaughter, in which case the record of conviction shall be conclusive evidence	§73-2-16	1 year suspension, 2 year probation and \$1,000 fine
H. Practice on suspended license	§73-2-16	Revocation and \$1,000 fine
I. Practice on inactive license	§73-2-16	Fine based on length of time in practice while inactive; penalty will require licensee to renew license or cease practice
J. Practice on revoked license	§73-2-16	Fine based on length of time in practice while revoked
K. False, deceptive or misleading advertising	§73-2-16	Cease and desist letter
L. Fraudulent advertising	§73-2-16	Public Reprimand, \$1,000 fine and 1 year probation
M. Negligence	§73-2-16	Reprimand, 2 years probation and \$1,000 fine
N. Fraud or Deceit	§73-2-16	Reprimand, 1 year suspension, 2 years probation and \$1,000 fine
O. Incompetence (mental or physical impairment)	2.2.4	Suspension until ability to practice proved, followed by probation
P. Bribery to obtain clients or commissions	2.5.3	Revocation and \$1,000 fine
Q. Undisclosed conflict of interest	§73-2-16	Reprimand, \$1,000 fine and 2 years probation
R. Aiding unlicensed practice	Rule 2.5.2	Reprimand and \$1,000 Fine

The Committee shall be able to deviate from the above-mentioned guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the Board prior to the imposition of final penalty.

The Committee shall also have the right to collect any legal and/or administrative charges incurred by the agency during the course of the investigation.

Source: *Miss. Code Ann.* §73-2-16

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