

CHAPTER I – WRITTEN EXAMINATIONS (as of October 1, 2002)

1.01 – Required

Applicants for registration by examination, with required approval as a candidate by this Committee, must submit to the written exam as outlined herein.

1.02 – Schedules

Written examinations will be administered by this Committee on official dates that are set by the CLARB. All completely executed applications and fees must be submitted by the deadline dates. For the June exam the application deadline date is March 1, and for the December exam the application deadline is October 1.

1.03 – Format

1.03.1 The examination offered by this Committee will be the Landscape Architect Registration Exam (LARE), developed by CLARB. The examination is designed to determine the qualifications of the applicant to practice Landscape Architecture. It shall cover such technical, professional and practical subjects as relate to the practice of the profession of Landscape Architecture.

1.03.2 An applicant for examination must submit a completed application on forms, furnished by the Committee, and a completed Council Record compiled by the Council of Landscape Architect Registration Boards (CLARB), which shall contain verification of the applicant having met the requirements of Section 73-2-7 of the Law.

The Committee will take the following criteria into consideration when evaluating work experience in the practice of landscape architecture of a grade and character suitable to the Board.

a. Work experience directly related to Landscape Architecture will receive the credit indicated below:

*Diversified experience directly related to Landscape Architecture under the direct supervision of a civil engineer, architect, or credentialed planner. (100% up to two (2) years maximum)

*Experience in Landscape Architecture directly related to on site construction, maintenance or installation procedures. (50% up to a one (1) year maximum)

*Non-diversified experience in landscape architecture under the direct supervision of a licensed landscape architect. (100% with no maximum time limit)

b. Work experience in the practice of landscape architecture under the direct supervision of a licensed landscape architect. (100% with no maximum time limit)

c. Work experience specified below will only receive credit as follows:

*Full-time employment is defined as: not less than 35 hours per week for at least two (2) continuous months. (100% with no maximum time limit)

*Part-time employment is defined as: not less than 20 hours per week for at least four (4) continuous months. (50% with no maximum limit)

1.03.3 All candidates for registration must pass the required examination before receiving certification by the Committee. All applicants will be approved or rejected by a majority vote. Personal appearances before the Committee, if required, shall be at a time and place designated by the Committee.

1.03.4 Failure to supply any additional evidence or information within sixty (60) days from date of written request from the Committee or to appear before the Committee when requested may be considered just and sufficient cause for disapproval of the application.

1.04 – Reporting

Approved candidates shall appear personally for the examination at the designated date, time and place, arriving no less than ten (10) minutes prior to the announced hour. Absence from any part of the examination period by an applicant may be grounds for the Committee to void all parts of the exam taken in said period.

1.05 – Conditions

Examinations will be conducted under conditions warranting honest and best results. Committee members, staff and/or appointees will monitor all tests. Candidates will not be permitted to communicate with one another, or others during the examination periods.

1.06 – Grading

1.06.1 The LARE is graded in compliance with a format established by CLARB, at a National Evaluation Session.

1.06.2 In order for an examination candidate to achieve registration, all sections of the examination must be passed with the minimum score specified by CLARB.

1.07 – Grade Reporting and Reviews

1.07.1 The Committee will report the candidates raw scores as determined by CLARB.

1.07.2 Candidates must follow these procedures set for requesting a review of their exam:

(a) A written request by the candidate to review the failed performance portions of the LARE (Sections 3, 4, 5 and/or 6) must be received by the Administrator within thirty (30) days following the date on the notification of Exam Scores; and

(b) The candidate will have an additional thirty (30) days after receipt of the request to appear for his/her review; and

(c) The maximum time allowed for a review is one (1) hour, regardless of the number of sections being reviewed; and

- (d) The candidate will be supplied a copy of their exam solution, a copy of the problem statement and a copy of the evaluation guide; and
- (e) The Committee shall appoint someone to monitor the review; and
- (f) The cost of the review will be the actual cost to obtain the exam(s) from CLARB, plus a \$50.00 critique fee; and
- (g) After the review is completed there will be no further recourse on the part of the candidate.

1.08 — Re-Examination

An applicant receiving a passing grade on a division included in the examination will be given credit for that division. However, an applicant that fails to receive a passing grade on any division by the third consecutive examination (second retake) will be required to repeat the entire examination. Effective January 1, 1994, all new applicants will be given four (4) calendar years (beginning with the date of the first exam attempt) to successfully pass all divisions of the exam.

1.09 — Disposal of Examination Material

In order to maintain security of the graphic portions of the LARE (Sections 3,4,5 and 6), all solutions will be retained by CLARB. CLARB will store the solutions for a period of one year and then destroy the booklets. The only information retained in the exam candidate's file will be the actual scores and dates of attempted sections.

1.10 — Fees

The fee for the LARE will be set annually by the Committee. The fee shall consist of the actual cost to purchase and evaluate the exam, plus a \$60.00 Administrative Fee.

Credit will be awarded to a candidate who can show good cause for failure to appear for an examination administration. The Committee will maintain credit of 75% of the examination cost at the time of the credit issuance towards the purchase of future examinations for said candidate. The remaining 25% of the exam fee will be charged as a handling fee. Examination credit for said candidate must be used within one calendar year from the date of issuance. After one year, unused credit will be applied to examination production costs expended by the Committee. NO CREDIT WILL BE ALLOWED FOR THE ADMINISTRATIVE FEE.

“Good Cause” shall be defined as a severe physical or emotional hardship which affects an examinee at the time of the exam administration and prevents the examinee from sitting for the examination. Financial hardships will not be accepted as good cause.

Requests for examination credit must be made in writing to the Committee within 15 days of the exam administration and must include written documentation (e.g., letter from attending physician, official accident report, obituary notice.)

1.11 — Transfer of Files

An exam candidate desiring to complete the National LARE and requests that his/her exam file be transferred to a jurisdiction that accepts the LARE, may do so by sending a written request to the Committee, and including a \$25.00 transfer fee.

1.12 — Disabled Examinees

Request for modifications to the examination administration to accommodate physical or other disabilities must be made in writing to the Committee and shall comply with the CLARB “Procedures for Substantial Modification of Examination Administration Conditions for Disabled Candidates”.

**CHAPTER II | - REGISTRATION AND DEFINITIONS
(re-numbered all sections)**

1.01 Definitions

1.01.1 “Committee” – The Mississippi Landscape Architecture Advisory Committee to the Mississippi State Board of Architecture.

1.01.2 “CLARB” – The Council of Landscape Architectural Registration Boards.

1.01.3 “CLARB Council Record” – Verified documentation of an individual’s education, experience, examination, licensure and professional conduct compiled by CLARB.

1.01.4 “CLARB Council Certificate” – Certification by CLARB that a Landscape Architect has met the minimum standards of education, examination, experience and professional conduct established by the Council and is thereby recommended for licensure in all member jurisdictions.

1.01.5 “LARE” – The Landscape Architect Registration Examination, administered and graded in accordance with established CLARB standards.

1.01.6 “Direct control and personal supervision” – That degree of supervision by a Landscape Architect overseeing the work of another whereby the supervisor has been directly involved in all judgments affecting the health, safety and welfare of the public.

1.01.7 “Responsible charge” – The direct control and personal supervision of the practice of landscape architecture.

1.01.8 “Majority Vote” - A majority vote is defined as a simple majority of the quorum present.

1.01.9 “Emeritus Status” – Active resident Landscape Architects who have been registered in this state for ten (10) consecutive years, who are sixty-five (65) years of age or older and who are retired from active practice or other related professional activities may request “Emeritus Status” in writing and by stating by filing an application showing compliance with the requirements of this section. “Retired” means that the Landscape Architect no longer practices

landscape architecture in that he/she no longer stamps and certifies documents with his/her seal or practices landscape architecture as defined in Section 73-2-3(b) of the Mississippi Code of 1972, as amended. If ~~all of the requirements of this section have been met, all fees and penalties, if applicable, for biennial registration shall be waived by the Committee.~~ Any reference to a Landscape Architect ~~on~~ with "Emeritus Status" on any letter, title, sign, card or device shall list such landscape architect as "Emeritus Landscape Architect".

1.01.10 "Quorum" - A committee quorum shall be constituted when a minimum of three (3) members are present. A quorum is required for all business of the committee.

1.02 Eligibility

An applicant for ~~initial registration by examination or registration by reciprocity as a Landscape Architect in Mississippi shall comply with Section 73-2-7 of the Mississippi Code of 1972. be a person of good moral character. Further, the applicant shall have a professional degree from an accredited school of Landscape Architecture, or shall have not less than seven (7) years' of work in the practice of Landscape Architecture of a grade and character suitable to the Board. Graduation in a curriculum other than Landscape Architecture from a college or university shall be equivalent to two (2) years' experience of the seven (7) years' required.~~

1.03 Exceptions-Ineligibility

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

- (1) Practicing Landscape Architecture without registration in violation of any jurisdictional ~~registration~~;
- (2) Conviction of a felony ~~involving moral turpitude~~ except conviction of culpable negligent manslaughter;
- (3) Misrepresentations or falsifications of facts filed in the application.

1.04 Forms and Instructions

1.04.1 Application forms and instructions will be furnished upon request ~~in writing, addressed to the Committee.~~

1.04.2 The forms required must be properly ~~signed by the applicant, completely~~ executed and returned submitted with the required fee.

1.05 Fees

Fees required are listed below. Regardless of the time of initial registration all licenses become renewable at the end of the biennial period on December 31st.

Application for Initial Registration	100.00
Application by Reciprocity	250.00
Biennial Renewal	200.00
Reinstatement of an Expired License	275.00
Mailing labels of Registrants	25.00
Printed Roster	25.00
Electronic Roster	50.00
Duplicate Certificate	40.00
File Transfer	25.00
Non-Sufficient Funds Checks	40.00

RESIDENTS

Initial Registration Fee Application for Initial Registration (exam candidates)	100.00
Initial Registration Fee Application by Reciprocity (reciprocity applicants includes a non-refundable application fee of \$50.)	200.00
Biennial Renewal Fee	200.00
Reinstatement Fee (to be paid after June 1 of the first year of the biennial period)	275.00

NON-RESIDENTS

Initial Registration Fee Application for Initial Registration (Exam Candidates)	100.00
Initial Registration Fee Application by Reciprocity (Reciprocity applicants includes a non-refundable application fee of \$75.00)	250.00
Biennial Renewal Fee	200.00
Reinstatement Fee (to be paid after June 1 of the first year of the biennial period.)	275.00

OTHER FEES

Mailing labels of registrants	10.00
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Copy of Roster	15.00
Duplicate Certificate	25.00
Administration of Exam	60.00
File Transfer	25.00
Non-Sufficient Fund Checks	25.00

1.06 Processing

1.06.1 ~~Complete applications shall be submitted at least 30 days prior to the next regularly scheduled meeting of to the Committee. These meetings are tentatively scheduled for the first Thursday of January, April, July and October.~~

1.06.2 ~~All applications shall be considered individually and approved or rejected by a majority vote of the Committee.~~

1.06.3 ~~Personal appearances before the Committee, if required, shall be at a time and place designated by the Committee~~

1.06.4 ~~Failure to supply additional evidence or information within sixty (60) days from the date of written request from the Committee or to appear before the Committee when such an appearance is deemed necessary, may be considered just and sufficient cause for disapproval rejection of the application.~~

1.07 Examination

1.07.1 ~~Every applicant for registration by examination must complete the examination process through CLARB, prior to applying for initial registration.~~

1.07.2 ~~Once the examination process has been completed through CLARB, applicants must complete the required application and request the CLARB Council Record be transmitted to the Committee.~~

1.07.3 ~~Initial registration applications and procedures may be obtained from the Committee's office, the web site or by making application through the electronic on-line application process. (www.archbd.state.ms.us)~~

1.07.4 ~~Fees for this type of application is set forth in Section 2.04.~~

1.08 Reciprocity

1.08.1 ~~Every applicant must have a complete and current CLARB Council Record or Certificate submitted as a part of the initial reciprocal application packet, beginning January 1, 1999.~~

1.08.2 ~~The applicant seeking registration under this section shall submit satisfactory proof of registration and good standing in the state or territory of prior registration and shall state on what basis the registration was obtained therein and the date the original registration was granted.~~

1.08.2 ~~In the consideration of applications for registration, the Committee reserves the right to exercise the discretion provided herein by requiring the applicant to have a satisfactory examination record from another state transferred to this Committee. A satisfactory examination record is one that has standards and scores equal to or higher than those established by CLARB. Verification of examination scores from another state must include a statement that the CLARB Exam was given without modification. The applicant shall be required to pass such additional examination subjects as, in the opinion of the Committee, may be necessary to bring the applicant's record up to the existing requirements of the State of Mississippi.~~

1.08.3 ~~Fees for this type of application is are set forth in section 1.05.~~

1.08.4 ~~Rejections of applications for registration by reciprocity will be by letter explaining the reasons and outlining procedures under which reconsideration may be possible.~~

1.08.5 ~~Any applicant seeking registration under this section who was initially licensed in a state or jurisdiction under licensing provisions allowing for the registration of applicants who had not taken and passed any CLARB examination, must take and pass either the CLARB LARE or the CLARB Reciprocity Verification Exam prior to applying for registration in this State.~~

1.09 Renewals

~~The biennial license renewal fee shall be due on the first day of January of each year in which the fee is required to be paid and shall become delinquent after the thirty-first day of January of said year or before December 31 of each odd numbered year, after which If the renewal fee is not paid before it becomes delinquent, penalties will be added at a rate of \$5.00 per month up until June 1st. After June 1st, the license stands suspended and the individual must apply for reinstatement of an expired license.~~

1.10 Reinstatement of License

1.10.1 ~~A registrant that allows his/her registration to lapse after June 1 of the current of the first year of the biennial period and prior to December 31 of the next odd year will have to reinstate said registration by filing an application for reinstatement of an expired license supplied by the Committee, and paying the reinstatement fee, the renewal fee, and the penalty fee and providing the following information:~~

~~Residents~~

- ~~(1) A list of your work experience, since the date your the license officially lapsed; and~~
- ~~(2) And, a An affidavit stating that the applicant for reinstatement has not practiced landscape architecture or entered into a contract to perform landscape architectural services in Mississippi since the license lapsed; and~~
- ~~(3) A CLARB Council Certificate.~~

~~Non-Residents~~

~~(1) An applicant must present evidence that he/she has provided, or participated in the provisions of, the type of services set out in Section 73-2-3(b), which is the definition of landscape architecture. The applicant shall present to the Committee work samples of plans or contract documents, which they have produced since their~~

registration lapsed in Mississippi, demonstrating their knowledge and experience. All drawings shall be neat, legible, to scale, and include all the information necessary to fully describe the item depicted. In the event the applicant worked as part of a team on any project submitted, the applicant shall provide verification from the supervisor or employer as to the extent of the applicant's involvement in the project. The applicant shall submit at least one example of each of the following areas:

(a) Site Design:

One example must be a master plan which shows the fundamental organization of a site. Circulation, user areas, major structures, natural features, open spaces, and the plan's relationship to its surroundings shall be shown. Another example must be a site plan showing more detailed physical and functional relationships and definition of site features. If the work is a rehabilitation or addition, the example should clearly indicate the extent of existing and proposed features.

(b) Staking/Layout Plan:

This plan shall provide for the accurate location of visible site features of a site or master plan from established reference point(s) through dimensions, coordinates, and/or stationing.

(c) Grading and Drainage Plan:

This plan shall describe the existing and proposed ground plane including the elevation, slope and pitch of surface areas and structures through contours, spot elevation, and/or grade notations. Storm water runoff shall be accommodated through swales, storage areas and/or drainage structures as required.

(d) Construction Details:

These drawings shall depict a detailed plan view, elevation or cross section of a site plan element with notes and dimensions appropriate to describe construction of the element. Two details will be required representing construction of two different elements, in differing materials. (Planting installation details shall not be included in this section.)

(e) Planting Plan:

This plan shall depict the identification and arrangement of plant material within the framework of a site or master plan. Plants from the basic categories of ground covers, shrubs and trees shall be incorporated. A sample installation detail and plant list including botanical plant names, sizes and quantities shall accompany the plan.

(f) Specifications:

Written specifications shall state general conditions and precise qualitative requirements for materials and workmanship, pertaining to construction of the subject element.

Work samples which constitute the practice of landscape architecture, architecture or engineering without a license shall not be considered.

(2) And, a list of five (5) client references where the involvement with the client demonstrates the practice of landscape architecture in a state of registration other than Mississippi;

(3) And, certification that the applicant for reinstatement has not practiced landscape architecture or entered into a contract to perform landscape architectural services in Mississippi since the license lapsed;

(4) And, payment of the reinstatement fee, the renewal fee and the penalty fee.

1.10.2 Any registrant who allows his/her license to expire ~~who~~ and was initially licensed in a state or jurisdiction under a Grandfather Provision and who has never passed any CLARB examination will be required to pass the CLARB LARE or the CLARB Reciprocity Validation Exam prior to reinstatement of his/her license.

1.11 Rubber Stamp Facsimile Official Seal

1.11.1 Upon official notification of registration, the registrant will be advised that it is his/her responsibility to secure an official seal or rubber stamp for use in this state. Embossed seals are not acceptable. The seal to be used by the registrants are to be circular in form and 2 inches in diameter. A copy of the design is shown below and shall contain the following information: Name, Registration Number, ~~City and State of business~~ and the words "Registered Landscape Architect State of Mississippi":



A sample of the seal impression or rubber stamp imprint shall be furnished to the Board within 60 days of the date shown on the Official Notice of registration letter. Failure to provide proof of seal may result in disciplinary action by the Board.

~~Landscape Architects may continue to use seals obtained prior to the adoption of this rule, which are in conformance with prior Board rules. All seals obtained subsequent to the adoption of this rule shall strictly conform to the requirements herein set forth.~~

~~_____ Firms consisting of more than one registered landscape architect may use a single stamp identifying a principle corporate officer or partner as being personally responsible for the professional services provided.~~

1.11.2 The registrant shall stamp with his/her seal the following documents:

- (a) All original sheets of any bound or unbound set of working drawings or plans, and
- (b) The original cover of the project manual or index page(s) identifying all specification pages ~~covered of the project manual, and~~
- (c) All Addenda.

1.11.3 The registrant shall superimpose his/her original signature (not a rubber stamp) and date of execution across the face ~~and beyond the circumference~~ of the seal on documents listed above. Subject to the requirements of this rule, rubber stamp, ~~embossed~~, transparent self-adhesive seals, or computer generated types may be used. Such stamps and seals shall not include the registrant's signature and date of execution.

1.11.4 Any portion of working drawings or plans prepared by registered consultants shall bear the seal and signature of the consultant responsible ~~thereof.~~

1.11.5 No registrant shall affix his/her seal or signature to documents having titles or identities excluding the registrant's name unless:

- (a) such documents were indeed developed by the registrant or under the registrant's ~~immediate personal supervision~~ direct control and personal supervision; and
- (b) the registrant has exercised full authority to determine their development.

CHAPTER III II - PROFESSIONAL CODE OF CONDUCT (Re-numbered Sections)

Preamble

The primary purpose of the Rules of Professional Conduct for Landscape Architects is to safeguard ~~life, the health,~~ safety and welfare of the public ~~and property~~ and to eliminate unnecessary loss and waste in the State of Mississippi. ~~In furthering the primary purpose, the Landscape Architecture Advisory Committee to the State Board of Architecture for the State of Mississippi has sought to avoid burdening unfairly the Landscape Architect with Standards of Conduct which are unreasonable to expect. At the same time, The Committee has taken into account the fact that the public views the Landscape Architect as a registered professional involved in a leadership position in the construction process and relies on the registered professional to help safeguard the public interest. The following rules shall be binding upon every person holding a Certificate of Registration to practice Landscape Architecture in the State of Mississippi.~~

All persons registered or seeking registration in the State of Mississippi as Landscape Architects under the Landscape Architectural Practice Law are charged with having knowledge of ~~the existence~~ of these Rules of Professional Conduct and shall be ~~deemed to be~~ familiar with their provisions and ~~to~~ understand them. Such knowledge shall encompass the understanding that the practice of landscape architecture is a privilege, as opposed to a right.

2.01 Responsibility to the Public

2.01.1 The Landscape Architect's primary obligation shall be to protect the health, safety and welfare of the public in the performance of his/her professional duties.

~~**32.01.2** A Landscape Architect may participate in a price competitive bidding selection when such method is selected by a client, but the Landscape Architect is encouraged to advocate to the client, the public benefit to be derived from selection processes that establish primary consideration in the selection of the Landscape Architects based upon the ability to perform the work, experience of the Landscape Architect to provide the required services and qualifications.~~

2.01.2 A Landscape Architect is encouraged to seek professional employment on the basis of qualifications and competence for proper accomplishment of the work. This procedure discourages the Landscape Architect from submitting a price for services until the prospective client has selected, on the basis of qualifications and competence, one Landscape Architect or firm for negotiations; however, competitive price proposals may be considered for professional landscape architectural services under the following guidelines:

- a. The prospective client has first sought statements of qualifications from interested registrants, and
- b. Those registrants chosen by the client on the basis of qualifications and competence for proper accomplishment of the work have received in writing a comprehensive and specific Scope of Work prepared by the client or the client's representative that completely describes the factors affecting the required landscape architectural services, and
- c. Assurances have been given by the prospective client that factors in addition to price will be considered in selecting the professional Landscape Architect.

2.02 Competence

2.02.1 In practicing landscape architecture, a Landscape Architect shall act with care and competence, and shall apply the technical knowledge and skill which is required of Landscape Architects, practicing in the State of Mississippi.

2.02.2 In designing a project, a Landscape Architect shall take into account all applicable state and municipal building laws and regulations. While a Landscape Architect may rely on the advice of other professionals (e.g. attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a Landscape Architect shall not knowingly design a project in violation of such laws and regulations.

2.02.3 A Landscape Architect shall undertake to perform professional services only when he or she, together with those whom the Landscape Architect may engage as consultants, are qualified by education, training and experience in the specific technical areas involved.

2.02.4 No person shall be permitted to practice landscape architecture if, in the Committee's judgment, such person's professional competencies are substantially impaired by physical and/or mental disabilities.

2.03 Conflict of Interest

2.03.1 A Landscape Architect shall not accept compensation, financial or otherwise, for landscape architectural services from more than one party on the same project unless the circumstances are fully disclosed ~~to~~ and agreed to by all interested parties and such disclosure and agreement are in writing.

2.03.2 A Landscape Architect shall not knowingly solicit or accept employment for professional services for any work which another Landscape Architect has been exclusively employed to perform and with which work the other professional is no longer to have any connection, without first having been advised in writing by the Landscape Architect's prospective employer that the employment of the other professional has been terminated, ~~and that the other professional has been paid for services rendered.~~

2.03.3 If a Landscape Architect has any business association or a direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with the Landscape Architect's performance of professional services, the Landscape Architect shall fully disclose in writing to the Landscape Architect's client or employer the nature of the business association for financial interest, and if the client or employer objects to such business association for financial interest, the Landscape Architect will either terminate such association for interest or offer to give up the commission or employment.

2.03.4 A Landscape Architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

2.03.5 The Landscape Architect shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents or their parties ~~dealing with his/her client or employer~~ in connection with work for which he/she is responsible.

2.03.6 When acting as the interpreter of building contract documents and/or the judge of contract performance, a Landscape Architect shall render decisions impartially, favoring neither party to the contract.

2.03.7 The Landscape Architect shall not solicit or accept a contract from a governmental body on which he Landscape Architect or a principle or officer of his/her organization serves as a member.

2.03.8 When a Landscape Architect is employed in a full or part-time position, he/she shall not use the advantages of his/her position to compete unfairly with other professionals. A Landscape Architect for any country, city or public ~~entity subdivision~~, board or agency, where plans or documents must be submitted to him/her for review, approval or a recommendation for approval, cannot review, approve or recommend approval of his/her own plans or documents, or plans or documents prepared by any member of the firm in which he/she is a member.

2.04 Full Disclosure

2.04.1 A Landscape Architect, making public statements on landscape architectural questions, shall disclose when the Landscape Architect is being compensated for making such statements.

2.04.2 A Landscape Architect shall accurately represent to a prospective or existing client or employer the Landscape Architect's qualifications and the scope of the Landscape Architect's responsibility in connection with work for which the Landscape Architect is claiming credit.

2.04.3 The registrant shall not falsify or permit misrepresentation of his or her associates' academic or professional qualifications. He/she shall not misrepresent or exaggerate his/her degree of responsibility in or for the subject matter or prior assignments. Brochures or other presentations incidental to the solicitation of employment shall not misrepresent pertinent facts concerning employer, employees, associates, joint ventures ~~enhancing his/her qualifications and his/her work or past accomplishments.~~

2.04.4 If, in the course of the Landscape Architect's work on a project a Landscape Architect becomes aware of a decision taken by the Landscape Architect's employer or client, against the Landscape Architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the Landscape Architect's judgment, materially and adversely affect the safety of the public on the finished project, the Landscape Architect shall:

- (i) Report the decision to the local building inspector or their public official charged with enforcement of the applicable state or municipal building laws and regulations, and
- (ii) Refuse to consent to the decision, and
- (iii) In circumstances where the Landscape Architect reasonably believes that other such decisions will be taken notwithstanding his/her objection, terminate his/her services with reference to the project.

2.04.5 A Landscape Architect shall not deliberately make a false statement or fail deliberately to disclose a material fact requested in connection with the Landscape Architect's application for registration or renewal.

2.04.6 False or malicious statements: A licensee shall make no false or malicious statements which may have the effect, directly or indirectly, or by implication, of injuring the personal or professional reputation or business of another member of the profession.

2.04.7 A licensee who has knowledge or reasonable grounds for believing that another member of his/her profession has violated any statute or rule regulating the practice of his/her profession shall have the duty of presenting such information to the Committee.

2.04.8 A Landscape Architect shall not assist the application for registration of a person known by the Landscape Architect to be unqualified in respect to education, training, experience, or character.

2.04.9 A Landscape Architect possessing knowledge of a violation of these rules by another Landscape Architect shall report such knowledge to the Committee.

2.05 Compliance with the Law

2.05.1 A Landscape Architect shall not, in the conduct of the Landscape Architect's practice, knowingly violate any state or federal criminal or civil law.

2.05.2 The registrant shall not furnish ~~limited~~ services in such a manner as to enable unregistered person to evade federal, state and local building laws and regulations, including building permit requirements.

2.05.3 A Landscape Architect shall neither offer nor make any payments or gifts to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the Landscape Architect is interested.

2.05.4 A Landscape Architect shall comply with the registration laws and regulations governing the Landscape Architect's professional practice in any United States jurisdiction.

2.05.5 No person shall use the term "ASLA" indicating membership in the American Society of Landscape Architects on any sign, title, card or device in the State of Mississippi unless that person ~~shall have been~~ is licensed by the Board.

2.05.6 An individual seeking a landscape architectural commission or participating in a design competition for a project in Mississippi involving landscape architectural services shall be admitted to Mississippi for the purpose of offering to render landscape architectural services and for that purpose only if:

1. The applicant holds a current and valid registration issued by a registration authority recognized by the ~~board~~ Committee; and
2. the applicant holds a CLARB Certificate; and
3. the applicant notifies the Mississippi ~~board~~ Committee in writing that:
 - (a) individual holds an CLARB Certificate and is not currently registered in the state, but will be present in the state for the purpose of offering to render landscape architectural services,
 - (b) individual will deliver a copy of the notice referred to in (a) to every potential client to whom the applicant offers to render landscape architectural services,
 - (c) individual shall apply for a Mississippi license within 10 working days of the date of notification to the Mississippi ~~board~~ Committee as provided in this paragraph, and
 - (d) the individual consents to the jurisdiction of the ~~board~~ Committee.

The individual shall be prohibited from actually rendering landscape architectural services until he/she has been licensed.

~~An individual seeking a landscape architectural commission by participating in a landscape architectural design competition for a project in Mississippi shall be admitted to Mississippi for the purpose of offering to render landscape architectural services and for that purpose only if:~~

- ~~1. the individual holds a current and valid registration issued by a registration authority recognized by the board; and~~
- ~~2. the individual hold a CLARB Certificate; and~~
- ~~3. the individual notifies the Mississippi Board in writing that he/she is participating in the competition, holds a CLARB Certificate, and applies for a Mississippi license within 10 working days of entering the competition; and~~
- ~~4. the individual shall not submit the competition entry until he/she has be duly licensed by the Mississippi Board.~~

2.06 Professional Conduct

2.06.1 Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have a Landscape Architect resident, and regularly employed in that office having direct ~~knowledge and supervisory~~ control of such work.

2.06.2 A Landscape Architect shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; ~~provided, however, that in the case of portions of such professional work prepared by the Landscape Architect's consultant, registered under this or another professional registration law of this jurisdiction, the Landscape Architect may sign or seal that portion of the professional work if the landscape Architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.~~

2.06.3 A Landscape Architect shall neither make nor offer to make any gifts, other than that of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the Landscape Architect is interested.

CHAPTER IV-III

DISCIPLINARY GUIDELINES; RANGE OF PENALTIES; AGGRAVATING AND MITIGATING CIRCUMSTANCES.

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:

VIOLATION	STATUTE/RULE	MINIMUM PENALTY
(a) Failure to stamp plans	Rule 1.11.2	Reprimand and \$250. Fine
(b) Failure to superimpose signature and/or date of execution over stamp	Rule 1.11.3	Reprimand and \$250. Fine
(c) Providing work not competent to perform	Rule 2.02.3	Reprimand and \$1,000. Fine
(d) "Plan Stamping"	Rule 2.06.2	Reprimand and \$1,000. Fine
(e) Attempting to procure license by providing false, deceptive or misleading information	§73-2-16 (e)(i)	Revocation and \$1,000. Fine (denial of license if application in process)
(f) Licensee disciplined by another jurisdiction	Rule 2.05.4	Committee discretion
(g) Conviction by any court of a felony, except conviction of culpable negligent manslaughter, in which case the record of conviction shall be conclusive evidence	§73-2-16 (2)(g)	1 year suspension, 2 year probation and \$1,000. Fine
(h) Practice on suspended license	§73-2-16(2)(e)	Revocation and \$1,000. Fine
(i) Practice on inactive license	§73-2-16(2)(e)	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(2)(e)	Fine based on length of time in practice while revoked
(k) False, deceptive or misleading advertising	§73-2-16(2)(h)	Cease and desist letter
(l) Fraudulent advertising	§73-2-16(2)(h)	Public Reprimand, \$1,000 Fine and 1 year probation
(m) Negligence	§73-2-16(2)(h)	Reprimand, 2 years probations and \$1,000 Fine
(n) Fraud or Deceit	§73-2-16(2)(b)(h)	Reprimand, 1 year suspension, 2 years probation and \$1,000. fine
(o) Incompetence (mental or physical impairment)	Rule 2.02.4	Suspension until ability to practice proved, followed by probation
(p) Bribery to obtain clients or commissions	Rule 2.05.3	Revocation and \$1,000 Fine
(q) Undisclosed conflict of interest	§73-2-16(2)(i)	Reprimand, \$1,000 Fine and 2 years probation
(r) Aiding unlicensed practice	Rule 2.05.2	Reprimand and \$1,000 Fine

- ~~(a) Failure to stamp plans (Rule 2.1.08.3)
Minimum: Letter of Reprimand and \$250.00 fine.~~
- ~~(b) Failure to sign superimpose signature and/or date of execution over stamp (Rule 3.02.4)
Min. same as (a) above~~
- ~~(c) Providing work not competent to perform (Rule 3.02.4 1.08.3)
Min. Reprimand and a \$1,000 fine~~
- ~~(d) "Plan Stamping" (Rule 12.08.5 and 32.06.42)
Min. same as (c) above~~
- ~~(e) Attempting to procure license by providing false, deceptive or misleading information (73-2-21d)
Min. Revocation and \$1,000 fine if licensed (denial of license if application in process)~~
- ~~(f) Licensee disciplined by another jurisdiction
(Rule 32.05.4)
Min. Committee discretion
Max. Same penalty as imposed in other jurisdiction or as closely as possible to penalty set forth in MS Statutes.~~
- ~~(g) Criminal conviction relating to landscape architecture (73-2-16g)
Min. Misdemeanor, reprimand and \$1,000. fine. Felony, One (1) year suspension, two (2) year probation and \$1,000. fine.~~
- ~~(h) Practice on suspended license (73-2-16e)
Min. Revocation and \$1,000. fine~~
- ~~(i) Practice on inactive license (73-2-16e)~~

- Min.-Fine based on length of time in practice while inactive; \$100/month or \$1,000. maximum (penalty will require licensee to renew license or cease practice)
- ~~(j) Practice on revoked license (73-2-16e)~~
Min.- Fine based on length of time in practice while revoked; \$100/month or \$5,000 maximum.
- ~~(k) Fraudulent, False, deceptive or misleading advertising (73-2-16h)~~
Min.-Cease and desist letter
- ~~(l) Fraudulent advertising (73-2-16h)~~
~~Min. — Public Reprimand, \$1,000 fine and 1 year probation~~
- ~~(l) (m) Negligence (73-2-16c)~~
Min.- Reprimand, two (2) years probations and \$1,000. fine
Max.-Revocation and \$5,000 fine.
- ~~(m) (n) Fraud or Deceit (73-2-16b/h)~~
Min.-Reprimand, one (1) year suspension, two (2) years probation and \$1,000. fine
Max.-\$5,000. fine and revocation
- ~~(n) (o) Incompetence (mental or physical impairment)~~
~~(Rule 32.02.4)~~
Min.-Suspension until ability to practice proved, followed by probation
- ~~(o) (p) Bribery to obtain clients or commissions~~
~~(Rule 32.05.3)~~
Min.-Revocation and \$1,000 fine
- ~~(p)(q) Undisclosed conflict of interest~~
~~(73-2-16i; Rule 32.03)~~
Min.-Reprimand, \$1,000. fine and two (2) years probation
Max.-Revocation and \$5,000 fine
- ~~(q)(r) Aiding unlicensed practice (Rule 32.05.2)~~
Min.-Reprimand, \$1,000 fine
Max.-Reprimand and one (1) year suspension and two (2) years probation

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