

COLORADO DEPARTMENT OF REGULATORY AGENCIES
OFFICE OF POLICY AND RESEARCH

LANDSCAPE ARCHITECTS

1995 SUNRISE REVIEW



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June 30, 1995

The Honorable Richard Mutzebaugh, Chair
Joint Legislative Sunrise/Sunset Review Committee
State Capitol Building
Denver, Colorado 80203

Dear Senator Mutzebaugh:

We have completed our evaluation of the sunrise application for licensure of **landscape architects** and are pleased to submit this written report which will be the basis for my office's oral testimony before the Sunrise and Sunset Review Committee. The report is submitted pursuant to §24-34-104.1, Colorado Revised Statutes, 1988 Repl. Vol., (the "Sunrise Act") which provides that the Department of Regulatory Agencies shall conduct an analysis and evaluation of proposed regulation to determine whether the public needs, and would benefit from, the regulation.

The report discusses the question of whether there is a need for the regulation in order to protect the public from potential harm, whether regulation would serve to mitigate the potential harm and, whether the public can be adequately protected by other means in a more cost effective manner.

Sincerely,

Joseph A. Garcia
Executive Director

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INTRODUCTION

The Department of Regulatory Agencies has evaluated the proposal for regulation submitted by the Colorado Chapter, American Society of Landscape Architects. Pursuant to the Colorado Sunrise Act, §24-34-104.1, C.R.S., the applicants must prove the benefit to the public of their proposal for regulation according to the following criteria:

1. Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety or welfare of the public, whether the potential for harm is easily recognizable and not remote or dependent on tenuous argument;
2. Whether the public needs, and can be reasonably expected to benefit from, an assurance of initial and continuing professional or occupational competence;
3. Whether the public can be adequately protected by other means in a more cost-effective manner.

The applicant submitted responses to the sunrise application questions. As part of this sunrise review, the literature was searched for published data regarding the licensure of landscape architects. Previous submissions of documentation and literature were brought forward for this 1995 review. The Department of Regulatory Agencies met with the applicant to discuss the proposal for regulation. The Department also sent out a statewide questionnaire to municipalities and counties regarding the licensure of landscape architects. The Department examined sunset reviews from states that currently license landscape architects. Inquiries regarding complaints against practitioners were made of the Colorado Attorney General's Consumer Protection Office, the Better Business Bureau, the Consumer Fraud Division of the Denver District Attorney's Office, the State Board of Examiners of Architects and the State Board of Registration for Professional Engineers and Professional Land Surveyors.

REQUEST FOR REGULATION - SUPPORTING ARGUMENTS

Background

The profession of landscape architecture in the United States dates back to 1863 when Frederick Law Olmstead and Calvert Vaux designed New York's Central Park. Today the practice of landscape architecture is defined as the profession which applies artistic and scientific principles to the research, planning, design, and management of both natural and built environments. Landscape architecture may, for the purposes of landscape preservation, development and enhancement, include: investigation, selection, and allocation of land and water resources for appropriate use; feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation, review, and analysis of master plans for land use and development; production of overall site plans, grading and drainage plans, planting plans, and construction details; specifications; cost estimates and reports for land development; collaboration in the design of roads, bridges, and structures with respect to the functional and aesthetic requirements of the areas on which they are to be placed.

Areas where a professional landscape architectural function is performed include:

Water Conservation

Landscape architects may be involved in the development of water saving landscapes (xeriscape) and irrigation system design.

Ecological Planning and Design

This specialization includes, but is not limited to, analytical evaluations of the land and focuses on the suitability of a site for development or resources preservation.

Site Planning

Site Planning focuses on the physical design and arrangement of built and natural elements of a land parcel. It includes knowledge of vehicular and pedestrian circulation patterns, transportation systems, building codes, land use regulations, regional land use policies, and requirements of the Americans with Disabilities Act (ADA).

Urban/Town Planning

Urban planners use zoning techniques and regulations, master plans, concept plans, land-use studies and other methods to set the layout and organization of growth areas.

Regional Planning

This field has emerged as a major area of practice for many landscape architects. In this field, landscape architects deal with the planning and managing of land and water, including natural resource surveys, visual analysis, landscape reclamation and coastal zone management.

Park and Recreation Planning

Many practitioners in this field are involved in creating or redesigning accessible parks, recreation areas and wildlife habitat in cities, suburban and rural areas. Other landscape architects develop plans for large natural areas as part of national parks, forests and wildlife refuge system.

Land Development Planning

Land Development Planning focuses on both large-scale, multi-acre parcels of undeveloped land and smaller scale sites in urban and rural areas.

Historic Preservation

This field may involve preservation or maintenance of a site in relatively static conditions, conservation of a site as part of a larger area of historic importance, and renovation of a site for ongoing or new uses.

Landscape Architectural Design

This historical core of the profession is concerned with detailed space design for commercial, industrial, institutional, public areas and residential. It would involve site analysis, development of site design programs, the shaping and contouring of land and water forms, the implementation of the ADA, the selection of construction and plant materials, and the preparation of detailed construction plans, specifications and documents.

Proposal for Regulation

The Colorado Chapter of the American Society of Landscape Architects (CCASLA) has applied for regulation in 1994 under the Colorado Sunrise Act. CCASLA currently has 450 members. The state organization is a local chapter of the national association, ASLA, which has a national membership of over 10,000. There are approximately 1,000 landscape architecture graduates from accredited colleges and universities who are presently practicing in Colorado.

This Sunrise application proposes licensure of landscape architects. The applicant maintains that Colorado is one of only five states that does not presently require licensure or registration of some type. Under licensure, it would be illegal for anyone to engage in the occupation without a license, and only persons possessing certain qualifications may become licensed. The applicant contends that licensure will protect the public by requiring minimum standards of education and/or experience and competency for individuals practicing landscape architecture.

The applicant argues the following benefits of licensure:

- Would grant a Colorado Licensure Board the opportunity to test for knowledge of water management, land and water reclamation procedures, surveying practices, environmental criteria and regulations, planning and land use law, familiarity and implementation of the Americans with Disabilities Act, irrigation design, grading and drainage, soils, construction site detailing, and local and federal regulations;
- Requires that out-of-state practitioners be licensed to practice in Colorado;
- Increases competition and therefore decreases the cost of services to the consumer;
- Reduces costs of services because currently, consumers must hire two professionals to have their drawings stamped;
- Attracts students to a design profession in a state which offers licensing and professional regulation. The applicant maintains that states that have licensure have a competitive advantage over Colorado in attracting and keeping the best students and practitioners.

The applicant further argues that unfair restrictions apply to landscape architects in Colorado because certain organizations such as the National Parks Service, University of Colorado, and Colorado State University have selection criteria for the hiring of landscape architects, which include the need to be licensed. Furthermore, landscape architects have been going out of state to qualify by taking the Uniform National Exam (U.N.E.) so as to compete for major projects that require licensing.

The regulatory scheme is envisioned as follows:

- Licensing program administered by the Division of Registrations located within the Department of Regulatory Agencies;
- A licensing board established specifically for landscape architects authorized to adopt rules and regulations to implement the Article;
- Establishment of minimum education standards including a degree from a program accredited by the National Landscape Architectural Accrediting Board (LAAB) or substantially equivalent education;
- Passing scores required on the Landscape Architect Registration Examination (L.A.R.E.).

THE COLORADO EXPERIENCE

Early Regulation

Landscape architects were regulated within the State of Colorado for a number of years prior to 1976 when their Board and regulations were repealed. Up until the statute was repealed on the 22nd of April, 1976, there had been an established Board of Landscape Architects. This Board ensured that landscape architects were licensed within the State of Colorado after passing the qualifying examination. Penalties for unlicensed landscape architects were also fixed by statute. The definition of landscape architecture as outlined in the previous statute was as follows:

§12-45-101, C.R.S..

"Landscape architecture" means the performance of professional services such as consultation, investigation, reconnaissance, research, planning, design or responsible supervision in connection with the development of land areas or land use where the extent that the dominant purpose of such service is the preservation and development of existing and proposed land features, ground surface, planting naturalistic features and aesthetic values. This practice shall include design, location and arrangement of purposes outlined in this section but shall not include the making of land surveys or final engineering plats for official recording integration of design structures of earth or other construction materials. Nothing contained in this article shall preclude a duly registered landscape architect from performing any of the services described in the first sentence of this section. Nothing in this article shall preclude a registered architect, engineer, or land surveyor from performing any of the services described."

The definition of this profession described from the statute twenty years ago (see definition above) is very similar to the definition submitted in this application (see page 2). Therefore, it can be argued that the profession of landscape architecture has changed little since the Colorado Legislature repealed the landscape architecture law in 1976. Unfortunately, the sunset legislation was not established until 1977 and, therefore, the legislative history is unclear on the reason for the sunset of the landscape architects in 1976.

Employment Opportunities

In 1989, L.A. Law, Inc., an organization established to gain licensure for Landscape Architects in Colorado, sought licensure for this profession. The sunrise report authored by the Department of Regulatory Agencies failed to find any evidence that the non-regulation of landscape architects in Colorado clearly harmed or endangered the health, safety, and welfare of the public.

Colorado landscape architects are currently employed in private practice offices; federal, state, and local government agencies and entities; and academic institutions. Examples of federal government work environments include the National Park Service, U.S. Forest Service, Bureau of Land Management, Federal Highway Administration and the Veteran's Administration. Landscape architects are also employed by the Colorado Division of Parks and Outdoor Recreation and the Department of Transportation.

Local entities utilize landscape architects in their planning departments, public works departments, and parks and recreation departments. There are landscape architects on staff at the University of Colorado at Denver, Colorado State University, Fort Collins, and the University of Colorado, Boulder. In addition, there are several national firms located in Colorado with a national/international client base, sole proprietorships with a local client base, and design/build firms.

Education and Examination of Landscape Architects

There are currently two programs offered by Colorado institutions of higher education for a degree in landscape architecture. Colorado State University, Fort Collins offers a four-year nationally accredited undergraduate course entitled Bachelor of Science in Landscape Architecture. The landscape architecture course is always full and some students have to be denied admittance. The University of Colorado at Denver offers a Master's Degree in Landscape Architecture. This program graduates an average of 30 students per academic year.

Generally, educators agree that landscape architects should be licensed in Colorado. The educators argue that landscape architecture is often mistakenly considered as a discipline where the sole duty of its practitioners is to help homeowners decide what plants to put in their backyard and how to take care of them. They contend that licensure in Colorado would create a constructive arrangement: public support for the profession in return for an assurance of higher quality work from its practitioners.

The Landscape Architects Registration Examination (LARE) administered by the Council of Landscape Architectural Registration Boards (CLARB), is currently used by other states to measure minimum competency for the practice of landscape architecture. This is a national exam given up to two times each year in states with licensure requirements. CLARB prepares and provides the exam to the State Registration Board, and the board administers and grades the exam. Colorado landscape architects travel to adjacent states (Kansas, New Mexico, Arizona, Utah and Wyoming) to take the exam and obtain a license in that state, in order to be eligible for major projects which require licensing.

The Director of Examination Services for the Department of Regulatory Agencies identified issues and controversies involving the LARE examination. Concerns regarding this examination included the relevance of the exam's structure and content to the actual practice of landscape architecture, how test questions were developed, equivalence of alternate forms of the exam, procedures for scoring performance problems, the extraordinarily low rate at which candidates passed the examination and the legal defensibility of the exam. (Please see Appendix B)

Complaint History

To determine the number and types of complaints against landscape architects in Colorado, DORA conducted telephone surveys with the Better Business Bureau, the State Board of Examiners of Architects, the State Board of Registration for Professional Engineers and Professional Land Surveyors, the Consumer Fraud Division of the Denver District Attorney's Office, and the Consumer Protection Section of the Office of the Attorney General.

There does not seem to be a significant number of consumer complaints regarding landscape architects. From 1984 through June 8, 1995, the Denver District Attorney's Office had not received any complaints from the Denver area regarding landscape architects. The State Board of Architects and the State Board of Registration for Professional Engineers and Professional Land Surveyors do not recall receiving any complaints against landscape architects. The Consumer Protection Office also could not recall any complaints specifically against landscape architects. However, if there were complaints against landscape architects they would be codified in the complaints database under the category "home improvement - exterior" and would not be easily retrievable. The Better Business Bureau reported receiving 24 complaints in 1994 which were categorized under the classification "landscape architects/designers". This classification includes anyone who designs a plan for a landscape design and/or builds it. The Bureau was not able to isolate the complaints against landscape architects from those against landscape contractors.

REGULATION IN OTHER STATES

Landscape architecture is currently regulated in 45 states. According to the Directory of Professional and Occupational Regulation in the United States and Canada, 8 states have title acts or certification programs that only grant the right to use the title "landscape architect" or "certified landscape architect". Thirty-seven states have practice acts, which specify the types of work landscape architects can perform. Besides Colorado, the four states without regulation are North Dakota, New Hampshire, Vermont, and Alaska. It is clear that Colorado is in the minority. However, it must be noted that most of these states do not go through the rigorous review of sunrise applications that Colorado undertakes.

A review of other states' sunset reviews or audits regarding the practice of landscape architects depicts a profession where the need for regulation is continually being questioned. Legislative and performance audits and sunset reviews of landscape architecture regulation in Hawaii, Maryland, Georgia, Alabama, and California were reviewed for this report.

The 1983 Hawaiian Sunset Review which analyzed the State Board of Architects, Engineers, Land Surveyors and Landscape Architects found solid justification for continuing registration and regulation of professional engineers, architects and land surveyors. However, it did not find sufficient grounds for the same regulatory provisions over landscape architects. The review recommended terminating the statutory sections governing landscape architects but the Legislature decided to continue regulation. The subsequent sunset evaluation in 1989 reported that there was still insufficient evidence to justify continued regulation of landscape architects. Once again the recommendation from the sunset review was ignored and Hawaii continues to have licensure requirements for landscape architects.

The 1981, 1985 and 1991 performance audits of the Georgia State Board of Landscape Architects determined that the need for the Board as an agency for the protection of the public health, safety, and welfare should be reconsidered. In addition, the 1991 Sunset Review of the Maryland State Board of Examiners of Landscape Architects indicated that there is no need for continued regulation of landscape architecture. The Maryland review stated "Because other regulated professions play a similar and sometimes more significant role, because the risks posed to the public if the profession were deregulated are few; and because the profession's scope of practice is so broadly defined that it is difficult to enforce the law, continued regulation is not required to protect consumers.

The 1994 Sunset Review of the Alabama Board of Examiners of Landscape Architects was reviewed. Three board members interviewed responded positively to the question whether the absence of the Alabama Board of Examiners of Landscape Architects would be detrimental to the public welfare. They further stated that the Board's main function is to insure that all professionals are professionally competent and trained to meet state standards for professional practice in the interest(s) of public welfare, health and safety.

CONCLUSION

Barriers to Colorado Landscape Architects

As previously stated, landscape architects are regulated in 45 states within the U.S.A. Although licensure is the requirement in most of the states, the threat to the health, safety and welfare of the public as a result of non-regulation is unclear. The applicants contend that there exists a restraint of trade for landscape architects within Colorado. It is suggested that out-of-state licensed landscape architects meet requirements mandated by federal, state and local regulation that cannot be met by landscape architects from within Colorado because they do not have the legal authority to stamp drawings. Evidence submitted by the applicant does not support the argument that landscape architects are suffering or that firms were going out of business or moving out of Colorado as a result of non-licensure. There was also no evidence submitted to show that licensed out-of-state firms are setting up in Colorado and taking business away from Colorado firms on the strength of being licensed elsewhere.

A questionnaire (see Appendix A) distributed to Colorado counties and municipalities demonstrates that the lack of licensure does not restrict the practice of landscape architecture in Colorado. Forty percent of the governmental agencies surveyed issue Request for Proposals (RFP) intended for landscape architects as the lead in projects. The primary reason why the remaining agencies do not issue RFP's for landscape architects is because engineers and architects are the lead in their projects and the projects do not justify having a landscape architect as the lead. In addition, only one respondent stated that they require landscape architecture firms to have a certain number of licensed principals in the firm.

**Public Health,
Safety and
Welfare**

Landscape architects need to prove to the Legislature that the health, safety and welfare of Colorado citizens is being put at risk through the non-regulation of their profession. The applicant has submitted examples of what may happen as a result of incompetent practice and examples of actual harm. These examples are reproduced and further discussed below. Second, the applicant has submitted documents from magazines and newspapers regarding potential sources of harm to the public due to lack of a landscape architect's involvement in projects.

The following seven cases presented are indicative of the type of harm or potential harm to Colorado citizens provided by the applicant in order to support the claim that regulation of landscape architects is needed to protect the public. In reviewing these case studies, it is important to note that no landscape architect is implicated as causing harm in any of these studies.

The case studies are reproduced as submitted by the applicant. However, the "responses" are submitted by the author and are found after every case.

Case 1 - Yampa River Trail, Steamboat Springs, Colorado

According to Mr. Larry Dejarnette, the Purchasing Agent/Risk Manager for the City of Steamboat Springs, there have been six incidents on the Yampa River Trail where people have been injured. Several of these incidents have led to lawsuits and have specifically named the trail designer. The trail designer was a civil engineering firm.

Response: The case is unclear as to the sort of incidents that occurred and what were the defects in the trail causing these injuries. Within the scope of practice of the civil engineer, there are ways to redress this problem through the Engineering Board and through the courts. The practitioner in this case is indicated to be a licensed engineer. Therefore, the regulatory board which has licensed the practitioner in question already has jurisdiction to investigate this kind of problem.

Case 2 - Southwest Auto Park Mall, Denver, Colorado

According to Mr. Wayne Sterling, an Associate Landscape Architect with the City and County of Denver (CCD), Department of Parks and Recreation, a developer constructed a new park as part of a commercial development and turned the park over to the City after completion. The City refused to maintain the park because of the lack of proper design and construction. The developer hired a design/build firm to build the park. The City is planning to spend \$70,000 in 1995 to bring the park to an acceptable level of design.

Response: There is no explanation of how the original design was approved for a building permit. In addition, this appears to be a contractual dispute. There is no mention in this example whether a landscape architect was ever involved in the project. In this case there was no physical harm, although there appears to be financial harm.

Case 3 - Kennedy Golf Course, Denver, Colorado

According to Mr. Wayne Sterling, an Associate Landscape Architect with the City and County of Denver (CCD), Department of Parks and Recreation, a golf course employee hired a design/build firm to construct a timber retaining wall near the driving range. This project was constructed in 1993. The City is planning to tear down the wall and rebuild it at an undetermined cost due to safety reasons directly related to design. The wall is currently failing and presents a safety hazard to the general public. The wall was designed improperly without regard to adequate sight distance. This also presents a safety hazard to the golf course users.

Response: The information regarding this case is incomplete. Does the City and County of Denver have staff who establish design criteria and review the proposed plans? In addition, are landscape architects qualified as structural engineers? The description only refers to a design/build firm and it is not clear whether this is a landscape architect design/build firm or not. Further, we note that in this case, it is reported by a landscape architect in the employ of the City and County - was this person part of the approval process?

Case 4 - Park, Lakewood, Colorado

According to Mr. Roger Noonan, the Attorney for the City of Lakewood, a claim was filed against the City in 1987 by a woman who was injured when she fell off a swing in the park. The claim stated that the woman was injured when she fell due to an inadequate base of sand in the playground.

Response: In this case, the claim was due to poor maintenance of the park facility. We do not know whether a landscape architect designed the original structure and if the design was inherently dangerous.

Case 5 - Multi-Use Sports Field, Thornton, Colorado

A \$70,000 claim was filed by the construction contractor due to an error in the construction documents. The City is currently negotiating a settlement with the landscape consultant.

Response: It is unclear how licensure of landscape architects would have impacted this situation.

Case 6 - Private Resident, Denver, Colorado

A couple hired a local architect to design their dream house. The architect designed and sited the house. Once construction began, the couple noticed some drainage flowing towards the house. They stopped construction and hired several landscape architects to evaluate the situation and make recommendations for a solution. The architect was not qualified to do the site grading plan and made a serious error in establishing the finish floor elevation too low to provide drainage away from the house. We are trying to obtain information about the outcome of this case.

Response: It would be argued that the competence of the building's architect was in question. Within the City and County of Denver, larger projects require a grading and drainage plan prepared by a licensed engineer to be submitted to Denver Wastewater Management.

Case 7 - Downtown Creekfront, Cherry Creek, Denver

The general contractor filed a claim for approximately \$60,000 because of errors and omissions in the contract documents. The claim was denied due to the field reported documentation and the City's contract conditions.

Response: In this case, it is not apparent how licensure of landscape architects would have prevented this claim. Further, it appears that both parties are seeking to redress their grievances.

In both information received and research undertaken, DORA was unable to establish any substantial evidence of public harm being perpetrated through non-regulation. The applicant stated that licensure will protect the public by regulating minimum standards of education and/or experience and competency, but again, there is no evidence that this is not currently being achieved by the educational institutions, the profession and the free and unregulated marketplace.

Cost

If regulation were to be imposed by the legislature, the cost of such regulation would be dependent upon a number of issues, such as:

1. The establishment of a Board of Landscape Architects;
2. The amalgamation of landscape architects with an existing Board;
3. The numbers of landscape architects in Colorado who would become licensed;
4. The type of regulation imposed;
5. The establishment of a new examination or usage of the Landscape Architects Registration Examination (LARE)

States that license landscape architects but elect not to use LARE (i.e. California) pay a high price for their independence. No other states will grant reciprocity or endorsement to California licensees who have taken that state's test only. In terms of dollars, the California Board spent nearly \$180,000 for initial exam development and continues to spend approximately \$90,000 annually for ongoing testing services from a contractor. The Office of the California Legislative Analyst has recommended that the state's landscape architect licensing program be abolished. The Chair of the Senate Subcommittee on Efficiency and Effectiveness in State Boards, recommended in April, 1994, to the full committee that the Landscape Architect Board be eliminated. Instead, he recommends a bond requirement and a private certification program to protect use of the title "landscape architect".

6. The requirements necessary to ensure initial or continuing competency within the profession; and
7. Other matters to be considered by the Board such as handling of complaints and rulemaking.

It appears that within the community there have already been established a number of checks and balances within the field of the landscape architect. Also boards such as architects, professional engineers and professional land surveyors are already regulating much of the environment of the landscape architect and further regulation may be unwarranted.

Recommendation: The General Assembly should not license or otherwise regulate landscape architects.

The evidence available establishes that regulation in other states is questionable as to its need. Further, no persuasive evidence has been submitted to justify the proposal that actual or potential measurable harm exists in the landscape architecture field that would be solved by the imposition of a licensing scheme.

Although we have no doubt that there are accidents and incidents of malpractice in this profession as in any other profession, we have been presented with little evidence which would lead us to believe that there is a significant threat which the state should seek to address through new regulation.

Furthermore, there is not a strong argument that would indicate that the public would benefit from regulation placed on landscape architects. As the report indicates, contacts made with the appropriate agencies indicate very little record of complaints by consumers against allegedly unscrupulous or incompetent landscape architects. Nor did we find any shortage of trained practitioners offering services to the public in this area.

Finally, the creation of a Board of Landscape Architects would involve a significant expenditure for staff and examination preparation and administration.

We do recognize that professional landscape architects are taking on greater technical complexity as well as increased liability for direct responsibility of larger projects. Yet available information fails to substantiate a convincing need for regulation at this time.

APPENDICES

Appendix A

Landscape Architecture Questionnaire

1. Are you apprised of the fact that there is no state licensing requirement for Landscape Architects? Yes - 28 No - 6

2. Do you issue Request for Proposals (RFP) intended for Landscape Architects as the lead in the projects? Yes - 20 No - 13

If your answer was no, please check any of the reasons below that may apply.

3 - Landscape architects are not licensed in the State of Colorado.

2 - We need the lead contractor to stamp drawings.

7 - The projects do not justify having a landscape architect as the lead.

11 - Engineers and architects are the leads in our projects.

Other, please specify: (1) Accept projects from any qualified individual or firm, regardless of training or license; (2) landscape design done in-house by L.A.'s with degrees

3. Does your division or department of local government have requirements that landscape architects hired for projects must have a certain number of licensed principals in the firm (of course the license must be from another state, since Colorado does not require licensure.)?

No - 30

Yes - 1

4. Is there a requirement in your department or division that landscape architects hired for projects be licensed? Yes - 2 No - 30

If licensure is required please check the following that apply to your department.

2 - Only principals of the firm must be licensed.

1 - All landscape architects working on the project must be licensed.

1 - The license may be from any state.

1 - Only landscape architects who are lead contractors have to be licensed.

1 - Landscape architects who are subcontractors do not have to be licensed.

5. Do you support a regulatory program in Colorado for landscape architects?

Yes - 19 (8 respondents were landscape architects)

No - 12

Undecided - 3

Please discuss how the lack of state licensure in Colorado may affect your choice of a landscape architect for the project. (See discussion below)

6. Do you have any examples where the lack of state licensure for landscape architects has adversely affected the safety and welfare of the citizens of Colorado?

7 - Yes (see comments on the following page)

22 - No

7. Is it critical that drawings for projects in your department have a professional stamp or seal on them?

20 - Yes (for architects and engineers)

13 - No

Discussion of survey results

The survey results show a substantial split in the opinions of the respondents. A little less than half of the respondents (12) do not support a regulatory program for landscape architects while 19 respondents support such a program. Of the 19 respondents who support a licensure program, 8 are landscape architects. Those in support argue the following: the cost of projects would be reduced by eliminating the middleman, the engineer, because drawings must be stamped by a licensed professional; insures a professional quality design; meets minimum qualifications to practice; and reduces liability and assures quality design and development for Colorado's conditions. Those opposed to state regulation maintain that an additional layer of government is not needed, the experience of individual landscape architectural firms is reviewed for qualifications, and the profession is not an essential discipline affecting the public's health, safety and welfare.

Only two governmental agencies replied that there is a licensure requirement for hiring landscape architects. Nine respondents maintained that the lack of licensure does not affect their choice of landscape architects. Those who responded that the lack of licensure affected their choice gave the following reasons: select only L.A.'s from an accredited school; stuck with low bid; licensure in other states is an indicator of the level of expertise and experience of the firm; it would simplify matters to require licensed Colorado landscape architects; lack of licensure makes it more difficult to determine qualified landscape architects; in selecting landscape architects we look at past work in Colorado.

Over two-thirds of the respondents (21) gave a negative response when asked for examples where the lack of state licensure for landscape architects adversely affected the safety and welfare of the citizens of Colorado. The seven respondents who replied "Yes" to this question cited the following:

1. Examples of work directed by landscape architects, engineers, architects, etc. has adversely affected safety and welfare.
2. Architects and engineers provide inappropriate design which should be performed by a landscape architect.
3. Reduced aesthetic quality and driven-up cost of projects.
4. Individuals calling themselves landscape architects who are not properly trained at accredited universities.
5. Improper drainage causes a safety risk.
6. Improperly placed plant materiel blocks street intersections.
7. Architects and engineers do grading plans that may or may not be appropriate.

Appendix B
Memorandum Regarding LARE Examination

