

BOARDS AND COMMISSIONS
Board of Landscape Architects
(Amendment)

201 KAR 10:030. Code of ethics.

RELATES TO: KRS 323A.110

STATUTORY AUTHORITY: KRS 323A.210(2)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS ~~323A.110(2)~~~~[323A.110(1)(b)]~~ authorizes the board to discipline a licensee for unprofessional conduct. KRS 323A.210 authorizes the board to adopt reasonable administrative regulations not inconsistent with KRS Chapter 323A but which are necessary to carry out the provisions of KRS Chapter 323A. This code of ethics is intended to establish guidelines for the determination of unprofessional conduct by landscape architects practicing in the state and for the protection of the public they will be serving.

Section 1. Code of Ethics.

(1) A violation of this code of ethics shall be considered unprofessional conduct pursuant to ~~KRS 323A.110(2)~~~~[KRS 323A.110(1)(b)]~~.

(2) The landscape architect shall conduct his practice in order to protect the life, health, property and welfare of the public and shall at all times recognize that his primary obligation is to protect the life, health, property and welfare of the public in the performance of his professional duties. If his landscape architectural judgment is overruled under circumstances where the safety, health and welfare of the public are endangered, he shall inform his employer of the possible consequences and notify any other proper authority of the situation, as may be appropriate.

(3) The landscape architect shall perform his services only in areas of his competence.

(a) The landscape architect shall perform landscape architectural assignments only when qualified by education or experience in the specific technical field of professional landscape architecture involved;

(b) The landscape architect may accept an assignment requiring education or experience outside of his own field of competence, but only to the extent that his services are restricted to those phases of the project in which he is qualified. All other phases of that project shall be performed by qualified associates, consultants, or employees;

(c) The landscape architect shall not affix his signature or seal to any landscape architectural plan or document dealing with subject matter to which he lacks competence by virtue of education or experience, or to any such plan or document not prepared under his direct supervisory control; and

(d) It shall be the responsibility of the licensee to demonstrate competence in the specific technical field in which the licensee is practicing.

(4) The landscape architect shall be completely objective and truthful in all professional reports, and shall include all relevant and pertinent information in those reports.

(5) The landscape architect shall avoid conflicts of interest:

(a) The landscape architect shall avoid all conflicts of interest with his employer or client and shall promptly inform his employer or client of any business association, interests, or circumstances which could influence his judgment or the quality of his services;

(b) The landscape architect shall not accept compensation, financial or otherwise, from more than one (1) party for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties;

- (c) The landscape architect shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products;
 - (d) The landscape architect shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with his client or employer in connection with work for which he is responsible;
 - (e) When in public service as a member, advisor, or employee of a governmental body or department, the landscape architect shall not participate in considerations or actions with respect to services provided by him or his organization in private landscape architectural practices;
 - (f) The landscape architect shall not solicit or accept a landscape architectural contract from a governmental body on which a principal or officer of his organization serves as a member; or
 - (g) The landscape architect shall not attempt to supplant another landscape architect after definite steps have been taken by a client toward the latter's employment and he shall not accept a commission for which another landscape architect has been employed without first conclusively determining that the latter's employment has been terminated.
- (6) The landscape architect shall solicit or accept work only on the basis of his qualifications.
- (a) The landscape architect shall not offer to pay, either directly or indirectly, any commission, political contribution, or a gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies.
 - (b) The landscape architect shall seek professional employment on the basis of qualification and competence for proper accomplishment of the work.
 - (c) The landscape architect shall not falsify or permit misrepresentation of his, or his associates', academic or professional qualifications. He shall not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work.
- (7) In the practice of landscape architecture, a landscape architect shall associate only with reputable persons or organizations.
- (a) The landscape architect shall not knowingly associate with or permit the use of his name or firm in a business venture by any person or firm which he knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature, or in violation of these administrative regulations; or
 - (b) If the landscape architect has knowledge or reason to believe that another person or firm may be in violation of any of these provisions or KRS Chapter 323A, he shall present that information to the board in writing and shall cooperate with the board in furnishing any further information or assistance as may be required by the board.

GARY R. WONITZEK, President

APPROVED BY AGENCY: January 8, 2024

FILED WITH LRC: January 8, 2024 at 2:45 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2024 at 10:30 a.m. Eastern Time at the office of the Kentucky Board of Landscape Architects, 2365 Harrodsburg Road, Suite B350, Lexington, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be

canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jane Alexander, Executive Director, Kentucky Board of Landscape Architects, 2365 Harrodsburg Road, Suite B350, Lexington, Kentucky, phone (859) 246-2753, email ky.labd@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Jane Alexander

(1) Provide a brief summary of:

(a) What this administrative regulation does:

It establishes a code of ethics for landscape architects.

(b) The necessity of this administrative regulation:

It is necessary to establish guidelines for unprofessional conduct for the protection of the public.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

It is authorized by KRS 323A.210(2)(b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

By establishing a code of ethics to be followed by Landscape Architects.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

It corrects an incorrect statutory citation.

(b) The necessity of the amendment to this administrative regulation:

The error needed to be corrected.

(c) How the amendment conforms to the content of the authorizing statutes:

By correcting an error.

(d) How the amendment will assist in the effective administration of the statutes:

By correcting an error.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Landscape Architects, approximately 325.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

No actions are necessary.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There is no cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

N/A

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

No cost.

(b) On a continuing basis:

No cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase is necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

It does not.

(9) TIERING: Is tiering applied?

Tiering was not applied as the amendment affects everyone equally.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

Board of Landscape Architects.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 323A.210

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

No effect

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None

(c) How much will it cost to administer this program for the first year?

No cost

(d) How much will it cost to administer this program for subsequent years?

No cost

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

No effect

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

No cost savings

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

No cost savings

(c) How much will it cost the regulated entities for the first year?

No cost

(d) How much will it cost the regulated entities for subsequent years?

No cost

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. It does not.