

BOARDS AND COMMISSIONS

Board of Landscape Architects (Amended at ARRS Committee)

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) authorizes the board to discipline a licensee for unprofessional conduct. KRS 323A.210(2)(b) authorizes the board to promulgate reasonable administrative regulations consistent with KRS Chapter 323A that are necessary to carry out the provisions of KRS Chapter 323A. This administrative regulation establishes the code of ethics intended to provide 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).

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

(3) The landscape architect shall perform his or her services only in areas of the landscape architect's competence.

(a) The landscape architect shall perform landscape architectural assignments only if 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 or her own field of competence, but only to the extent that his or her services shall be restricted to those phases of the project in which he or she 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 or her signature or seal to any landscape architectural plan or document dealing with subject matter to which he or she lacks competence by virtue of education or experience, or to any plan or document not prepared under his or her 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 or her employer or client and shall promptly inform his or her employer or client of any business association, interests, or circumstances which may influence his or her judgment or the quality of his or her 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, and the

circumstances shall be 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 or her client or employer in connection with work for which he or she is responsible;

(e) If 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 the landscape architect or his or her 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 or her 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 or she 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 or her 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 the landscape architect's, or his or her associates', academic or professional qualifications. He or she shall not misrepresent or exaggerate his or her 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 the landscape architect's or their past accomplishments with the intent and purpose of enhancing his or her qualifications and his or her 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 or her name or firm in a business venture by any person or firm which he or she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature, or in violation of 201 KAR Chapter 10; or

(b) If the landscape architect has knowledge or reason to believe that another person or firm may be in violation of 201 KAR Chapter 10 or KRS Chapter 323A, he or she 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.

(1 Ky.R. 593; eff. 4-9-1975; Am. 16 Ky.R. 1234; eff. 2-3-1990; 29 Ky.R. 1003; 1521; eff. 12-1820-02; Cert eff. 1-16-2020; 50 Ky.R. 1744; eff. 7-30-2024.)

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