

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)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, because the amendments to this administrative regulation will not have a major economic impact.

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.100(2)~~[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 financial or other valuable considerations~~[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, contractor, 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 related private landscape architectural projects, and shall not perform private landscape architectural work in exchange for financial or other valuable considerations received from the governmental body or department~~[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, ~~or and he or she shall not~~ accept a commission for tasks 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 the hiring of qualified bona fide employees to perform essential tasks necessary for the completion of the project~~[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.

(8) A landscape architect who as an active license issued by the board shall self-report any felony convictions to the board in writing, including felony convictions where a plea of nolo contendere or no contest is the basis of the conviction. The self-report shall be filed within thirty (30) days of the date of entry of the conviction and shall include a true and complete copy of the record of conviction and a letter of explanation.

(9) A landscape architect who as an active license issued by the board shall self-report in writing to the board if any professional or business license that is issued to the landscape architect by any agency of the Commonwealth or any other jurisdiction is subject to disciplinary action. The self-report shall be filed within thirty (30) days of the date of entry of the disciplinary action and shall include a true and complete copy of the disciplinary action and a letter of explanation.

GARY WOLNITZEK, Chairperson

APPROVED BY AGENCY: May 20, 2025

FILED WITH LRC: August 15, 2025 at 9:45 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 22, 2025 at 10:00 a.m. at the Kentucky Board of Landscape Architects, 1712 Perryville Rd, Suite 200, Danville, Kentucky 40422. Individuals interested in being heard at this hearing shall notify this agency in writing by October 15, 2025, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. 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 October 31, 2025. 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: Morgan G. Ransdell, Board Attorney, Kentucky Board of Landscape Architects, 1712 Perryville Rd, Suite 200, Danville, Kentucky 40422; phone (502) 665-9600, email Morgan.Ransdell@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Morgan G. Ransdell

Subject Headings:Boards and Commissions, Landscape Architects, Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the code of ethics to provide guidelines for the determination of what constitutes unprofessional conduct by landscape architects practicing in the state and for the protection of the public they will be serving.

(b) The necessity of this administrative regulation:

The purpose of the board is identical to the purpose underlying the enactment of KRS Chapter 323A: "to safeguard the life, health, property and welfare of the public." KRS 323A.020. The code of ethics sets specific standards for the profession that are needed to guide licensees and to ensure public protection.

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

By implementing a code of ethics per KRS 323A.210(2)(b), to expand upon and clarify the disciplinary standards set forth in KRS 323A.110.

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

By implementing a code of ethics per KRS 323A.210(2)(b), to expand upon and clarify the disciplinary standards set forth in KRS 323A.110, and to require self-reporting of felony convictions and disciplinary actions imposed by other licensure boards.

(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:

The amendment clarifies existing provisions governing the ethical practice of landscape architecture, and adds a requirement for self-reporting of felony convictions and disciplinary actions imposed by other licensure boards.

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

The amendments are necessary to carry into effect the purposes of KRS Chapter 323A.

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

The amendments are necessary to carry into effect the purposes of KRS Chapter 323A.

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

The amendments clarify existing ethics standards for landscape architects, and facilitate public protection by requiring self-report of felony convictions and disciplinary actions taken against licensees by other professional licensure boards.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?No.

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

The 347 licensees subject to the Board's regulatory authority, and future applicants.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment:

Incumbent licensees will be required to self-report felony convictions and disciplinary actions taken against them by other professional licensure boards.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

The amendment does not alter the cost imposed upon applicants.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

Monitoring of felony convictions and disciplinary actions of incumbent licensees will protect the integrity of the profession of landscape architecture.

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

(a) Initially:

There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

(b) On a continuing basis:

There are no monetary costs associated with the implementation of the amendment, either initially or on an ongoing basis.

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

Agency funds.

(8) 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 fee increase or funding is required.

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

It does not.

(10) TIERING: Is tiering applied?

Tiering is not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

KRS 323A.210(2)(b) and KRS 323A.020.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

KRS 323A.210(2)(b) authorizes the agency to adopt all reasonable administrative regulations consistent with this chapter that are necessary to carry into effect the purposes of this chapter.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

The Kentucky Board of Landscape Architects.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:The amendment will not impact expenditures.

For subsequent years:The amendment will not impact expenditures.

2. Revenues:

For the first year:The amendment will not impact revenues.

For subsequent years:The amendment will not impact revenues.

3. Cost Savings:

For the first year:The amendment will not result in cost savings.

For subsequent years:The amendment will not result in cost savings.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

None.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:N/A

For subsequent years:N/A

2. Revenues:

For the first year:N/A

For subsequent years:N/A

3. Cost Savings:

For the first year:N/A

For subsequent years:N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

Licensure applicants and licensees.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:The amendment will not necessitate expenditures.

For subsequent years:The amendment will not necessitate expenditures.

2. Revenues:

For the first year:No revenues to estimate.

For subsequent years:No revenues to estimate.

3. Cost Savings:

For the first year:No cost savings for regulated entities.

For subsequent years:No cost savings for regulated entities.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

None. The amendment will have no fiscal impact.

(b) Methodology and resources used to reach this conclusion:

None.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):

This administrative regulation will not have a major economic impact as it relates to the entities identified in (3)(a), (4)(a), and (5)(a).

(b) The methodology and resources used to reach this conclusion:

None.