



Landscape Architecture Licensure Laws

ASLA Summary of Provisions

DELAWARE

Statutes: Delaware Code, Title 24, Chapter 2

Regulations: Delaware Administrative Code, Title 24, 200

Type of Law: Practice/title act.

Board of Landscape Architecture

Consists of three landscape architects and two public members appointed by the Governor. Funded by the state's General Fund.

Powers: Formulate rules and regulations relating to official seals, rosters, continuing education and other matters; designate written national examination; administer exam, grant licenses; designate the application form; process applications.

Definitions

Landscape architect: A person who, on the basis of demonstrated knowledge acquired by professional education or practical experience, or both, has been granted and holds a current certificate entitling the person to use the designation 'landscape architect' and practices landscape architecture in Delaware.

Landscape architecture: Performance of professional services such as consultation, investigation, research, planning, design, preparation of drawings, specifications and contract documents, and responsible supervision or construction management in connection with the development of land areas where, and to the extent that the dominant purpose of such services is: the preservation, enhancement or determination of proper land uses, natural land features, wetlands and environmentally sensitive plant and animal communities, naturalistic and aesthetic values; the determination of settings, circulation systems, and hardscaping structures, grounds and approaches for buildings and structures or other improvements; the determination of environmental problems of land relating to erosion, flooding, blight and other hazards; the shaping and contouring of land and water forms; the setting of grades, determination of drainage and providing for storm drainage systems where such systems do not require structural design of system components and determination of landscape irrigation. Includes the design of such tangible objects and features as are necessary to the purpose unless prohibited.

[Supervision: For purposes of signing and or sealing drawing shall mean direct supervision, involving responsible control over and detailed professional knowledge of the contents of the drawings throughout their preparation. Reviewing, or reviewing and correcting, drawings after they have been prepared by others does not constitute the exercise of responsible control because the reviewer has neither control over, nor detailed professional knowledge of, the content of such drawings throughout their preparation.]

Exemptions

Exempt structures: The design of buildings, structures and utilities with separate and self-contained purposes such as are ordinarily included in the practice of architecture or engineering.

Eligibility Requirements – Initial Licensure

Requirements: Passage of the LARE is required. Applicants must either: (1) have graduated from an LAAB-approved landscape architecture program and acquired two years of professional experience; or (2) must have completed two years of education at such programs and acquired four years of professional experience. Experience must be obtained under the direct supervision of a licensed landscape architect.

Fee: [Initial license \$313.]

Note: Bracketed [] material is drawn from regulations.



Eligibility Requirements – Reciprocal Licensure

Requirements: Proof of licensure and good standing in each state or territory of current licensure and proof of successful passage of a uniform national examination or similar national testing service for its national examination for landscape architects.

Fee: [Initial license \$313.]

Practice Entities

Practice through business entities is permitted, upon authorization of the board, provided that one or more of the corporate officers in the case of a corporation, or one or more of the officers, partners, members, managers or principals is a licensee designated as being responsible for any services in the practice of landscape architecture on behalf of the entity. All personnel of the entity who act on its behalf as landscape architects must be licensees. [Business entities must operate under a biannual certificate of authorization issued by the board. A change in information must be filed within 30 days.]

Fee: \$28 (initial and biennial renewal)

Seal Requirements

All final drawings, specifications, [contract documents], plans, reports or other papers or documents involving the practice of landscape architecture, when issued or filed for public record, shall be dated and bear the signature and seal of the landscape architect or landscape architects who prepared or approved same. [A landscape architect shall not sign or seal drawing unless they were prepared by him/her or under his/her direct supervision].

Enforcement

Board powers: Refer complaints to the Division of Professional Regulation for investigation; designate and impose the appropriate penalties or sanctions; conduct disciplinary hearings, and report cases where an application has been intentionally fraudulent, or that false information has been intentionally supplied, to the Attorney General for further action.

Prohibitions/penalties: Licensees may be disciplined if they; employ or knowingly cooperate in fraud or material deception in order to be licensed, or be otherwise authorized to practice landscape architecture; engage in illegal, incompetent or negligent conduct in the practice of landscape architecture; engage in excessive use or abuse of drugs (including alcohol, narcotics or chemicals); are convicted of a felony or crime involving moral turpitude; knowingly engage in an act of consumer fraud or deception, engage in the restraint of competition or participate in price-fixing activities or violate any law or regulation. Practitioners who create a danger to public health, safety, and welfare through physical illness, loss of motor skill, or temporary/permanent emotional disorder or mental illness are subject to nondisciplinary remedial action. Penalties include singly or in combination a letter of reprimand, censure, probation with conditions, suspension or revocation of the license.

Prohibitions/penalties for unlicensed practice: Holding oneself out to the public as being a licensed landscape architect, or using in connection with one's name or otherwise assuming, using or advertising any title or description intending to convey the impression that one is a licensed landscape architect is prohibited. When a person is practicing landscape architecture without a license, the board shall warn such person and, if the offense continues, make a formal complaint to the attorney general. A person convicted of unlawfully practicing landscape architecture shall, upon the first offense, be fined \$50, and shall pay all costs; provided, however, that where it is alleged that such violation has resulted in injury to any person, the offender shall be charged and tried under the applicable laws. When a person is convicted a second or subsequent time, the fine shall be increased by \$250 for each subsequent offense. General licensing provisions (applying to numerous licensing boards, including landscape architecture) establish that allows boards to issue cease and

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desist orders for those practicing without a valid license and establish fines (\$100-1000/day) for persons that violate cease and desist orders. Boards may also seek injunctive relief to prevent unauthorized practice.

Mandatory Continuing Education

Delaware requires 20 hours for every biennial renewal cycle.

- One hour = 60 minutes of instruction
- Courses must have direct relationship to the practice of landscape architecture and contain elements which will assist licensees to provide for the public health, safety, and welfare

Administration:

- Approves CE courses/programs
- Approves self-directed study
- Considers special hardship requests
- Performs random audits.

Activities:

- CE courses offered by LA CES providers are automatically deemed to qualify for CE
- CE courses offered by ASLA are automatically deemed to qualify for CE (also APA, AICP, and the Delaware Department of Natural Resources, Division of Soil and Water Conservation)
- Active participation in courses, seminars, sessions, programs, or self-directed activities
- Self-directed activities must result in a book draft, published article, delivered paper, workshop, symposium, or public address within the two-year reporting period. Self-directed activities must advance the practitioner's knowledge of the field and be beyond the practitioner's normal work duties. Instructors will not be granted CE credit for studies customarily associated with their usual college instruction teaching loads. A licensee must be pre-approved (submitted 6 months prior to license renewal) by the board; however, the board upon review of the completed final project will make determination of credit.

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Recordkeeping: Documentation must be submitted upon biennial renewal of the licenses. A license may not be renewed unless the board approves 20 hours (or extends due to hardship).

Exemptions:

- New licensees (by exam or reciprocity) in the first renewal period
- Licensees on inactive status (candidates for reinstatement following inactive status must show 20 hours of CE during the period of inactive status)
- The board may grant an extension due to reasons of hardship (physical disability, illness, or extenuating circumstances)

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