

New Mexico Board of Landscape Architects



Landscape Architects Act 16-44 NMAC & §61-24B NMSA 1978 Rules and Regulations

Effective: September 30, 2016

CHAPTER 44

LANDSCAPE ARCHITECTS

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TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 44 LANDSCAPE ARCHITECTS
PART 1 GENERAL PROVISIONS

16.44.1.1 ISSUING AGENCY: New Mexico Board of Landscape Architects, P.O. Box 25101, Santa Fe, NM 87504.

[16.44.1.1 NMAC - Rp, 16.44.1.1 NMAC, 9-30-16]

16.44.1.2 SCOPE: This part applies to the board, licensees, certificate holders, applicants and the general public.

[16.44.1.2 NMAC - Rp, 16.44.1.2 NMAC, 9-30-16]

16.44.1.3 STATUTORY AUTHORITY: This part is adopted pursuant to Landscape Architects Act, Sections 61-24B-1, 61-24B-3, 61-24B-6, 61-24B-7, 61-24B-10 NMSA 1978.

[16.44.1.3 NMAC - Rp, 16.44.1.3 NMAC, 9-30-16]

16.44.1.4 DURATION: Permanent.

[16.44.1.4 NMAC - Rp, 16.44.1.4 NMAC, 9-30-16]

16.44.1.5 EFFECTIVE DATE: September 30, 2016, unless a later date is cited at the end of a section.

[16.44.1.5 NMAC - Rp, 16.44.1.5 NMAC, 9-30-16]

16.44.1.6 OBJECTIVE: The objective of 16.44.1 NMAC is to set forth the provisions which apply to all persons affected or regulated by the Landscape Architects Act, and to establish definitions, board meeting dates, and election of officers.

[16.44.1.6 NMAC - Rp, 16.44.1.6 NMAC, 9-30-16]

16.44.1.7 DEFINITIONS: As used in these regulations, the following words and phrases have the following meanings unless the context or intent clearly indicates a different meaning.

A. “Accredited” means accreditation by the landscape architectural accreditation board (LAAB) or a recognized equivalent accrediting agency.

B. “Act” means the Landscape Architects Act, Sections 61-24B-1 through 61-24B-17 NMSA 1978.

C. “Administrator” “board administrator” or “program manager” means the staff person assigned certain express or implied executive and administrative functions of the board as defined by board regulation or as required to carry out the provisions of the act.

D. “Applicant” means a person who has completed all educational requirements for licensure or certification and has filed an initial application with the board.

E. “Board” means the New Mexico board of landscape architects.

F. “Board regulation” or “regulation” means any part adopted by the board pursuant to authority under the act and includes any superseding regulation. “Rule” means board regulation.

G. “Candidate” means a person who has filed with the board a completed form for licensure or certification that is complete in all particulars and appears on the face to satisfy all minimum educational, supervision, payment and other requirements except examination requirements as required by the act and these regulations and is eligible to take the L.A.R.E.

H. “Certificate holder” or “certification” means an individual certified under the Landscape Architects Act as a landscape architect in training.

I. “CLARB” means the council of landscape architect registration boards or its successor.

J. “CLARB certification” means certification by CLARB that a landscape architect has met the minimum standards of education, examination, experience and professional conduct established by the council and is thereby recommended for licensure in all member jurisdictions.

K. “CLARB council record” means the verified documentation of an individual’s education, experience, examination, licensure and professional conduct compiled by CLARB.

L. “Client” means a person or corporate entity that is the recipient of landscape architectural services.

M. “**Consultant**” means a licensed landscape architect who provides professional advice or opinion to a licensee and who has no professional relationship with the client, has no authority over the project or has no responsibility for the services performed for the client.

N. “**Continuing professional education**” (CPE) means a board requirement of continuing education, instruction or participation as a condition of renewal of licensure.

O. “**Custodian**” means board administrator.

P. “**Electronic transmission**” means the sending of information through the internet or by telephone facsimile (FAX) or e-mail.

Q. “**Filed with the board**” means actual receipt during normal business hours at the board office in Santa Fe, New Mexico.

R. “**General administration of a construction contract**” means the interpretation of drawings and specifications, the establishment of standards of acceptable workmanship and the periodic observation of construction to facilitate consistency with the general intent of the construction documents.

S. “**Good cause**” means the inability to comply because of illness, undue hardship, or extenuating circumstances that are not willful and are beyond the control of the person asserting good cause. Those asserting good cause shall have the burden to demonstrate good cause.

T. “**Inactive status**” means a procedure of the board to affirm that a licensee is not engaged in active practice.

U. “**Initial application**” means the initial application for licensure or certification filed with the board by an applicant not previously or currently licensed in a jurisdiction.

V. “**Joint practice committee**” (JPC) means a committee statutorily comprised of two architects, two landscape architects and two engineers or land surveyors and a public member.

W. “**Landscape architect**” or “registered landscape architect” (RLA) means an individual registered under the Landscape Architects Act to practice landscape architecture.

X. “**Landscape architect in training**” (LAIT) means an individual certified under the Landscape Architects Act who is actively pursuing completion of the requirements for licensure pursuant to that act, under direct supervision of a registered landscape architect.

Y. “**Landscape architect registration examination**” (L.A.R.E.) means the national examination promulgated by CLARB.

Z. “**Landscape architecture**” means the art, profession or science of designing land improvements, including consultation, investigation, research, design, preparation of drawings and specifications and general administration of contracts to protect the health, safety and welfare of the public. Nothing contained in this definition shall be construed as authorizing a landscape architect to engage in the practice of architecture, engineering or land surveying as defined in Sections 61-15-2, 61-23-2.1 and 61-23.27.9 NMSA 1978.

AA. “**Licensed**” means licensed, registered or any other term when such terms identify a person whose professional behavior is subject to regulation by the board.

BB. “**Licensee in good standing**” means a licensee who is not the subject of a pending investigation, adjudicatory proceeding, or petition on appeal or review, or whose license is not restricted, suspended, or revoked in New Mexico or any other state or licensing jurisdiction.

CC. “**Licensee**” means a person licensed pursuant to the provisions of the act and board regulations.

DD. “**NCARB**” means the national council of architectural registration boards.

EE. “**Practical experience**” means experience that demonstrates an essential understanding of the practice of landscape architecture pursuant to the act. Practical experience shall begin after graduation from a degree program as set forth in the act.

FF. “**Professional relationship**” means a mutually agreed-upon relationship between a landscape architect and a client for the purpose of the client(s) obtaining the landscape architect’s professional services.

GG. “**Professional services**” means all actions of the landscape architect in the context of professional relationship with the client.

HH. “**Registrant,**” “registered” or “registration” means an individual registered under the Landscape Architects Act as a landscape architect.

II. “**Related field**” means a field having an impact on or affecting the field of landscape architecture including, but not limited to, such fields as architecture or engineering.

JJ. “**Renewal cycle/period**” means the time during which a licensee or certificate holder renews his/her license.

KK. “**Sponsor**” means an individual, organization, association, institution or other entity that provides education activity for the purpose of fulfilling the continuing education requirements.

LL. “Supervisee” means any person who functions under the authority of a registered landscape architect to provide landscape architectural services as provided in the act or board regulations.

MM. “Supervisor” means a registered landscape architect who agrees to provide adequate supervision over a student, applicant, employee or staff or other non-licensed person and who remains ultimately responsible for the professional conduct of the non-licensed person and the welfare of the client.
[16.44.1.7 NMAC - Rp, 16.44.1.7 NMAC, 9-30-16]

16.44.1.8 BOARD MEMBERSHIP:

A. Board members: The board of landscape architects consists of five members appointed by the governor who are residents of New Mexico and serve for three-year staggered terms. The landscape architect members shall have been registered as landscape architects for at least five years.

B. The members shall be appointed as follows:

(1) Three shall be professional members who are registered under the Landscape Architects Act as landscape architects. The governor shall appoint the professional members from a list of names nominated by the New Mexico chapter of the American society of landscape architects (ASLA).

(2) Two members shall be public members who are laymen and have no significant financial interest, direct or indirect, in the practice of landscape architecture.

C. Expiration dates: Each member shall hold office until the expiration of his or her appointed term or until a successor is duly appointed. When the term of each member ends, the governor shall appoint the member’s successor for a term of three years. Any vacancy occurring in the board membership other than by expiration of term shall be filled by the governor by appointment for the un-expired term of the member. The governor may remove any board member for misconduct, incompetence, or neglect of duty.

[16.44.1.8 NMAC - Rp, 16.44.1.8 NMAC, 9-30-16]

16.44.1.9 BOARD OPERATIONS:

A. Elections. At its annual meeting in July, the board shall elect a chair, vice chair, and secretary-treasurer.

B. All board officers shall exercise authority subject to the act, board regulations, and specific directions of the board. Duties of the board chair, vice chair, and secretary-treasurer are as follows:

(1) The board chair shall preside at board meetings and adjudicatory hearings unless another presiding officer is named by the board.

(2) At the direction of the board, the board chair shall respond to inquiries and correspondence, execute orders of the board in any pending adjudicatory proceeding unless a hearing officer is appointed, sign decisions of the board unless the board designates another member to sign, appoint board members to formal committees, and provide direction to the board administrator on routine matters to facilitate the efficient operation of board functions between meetings.

(3) The vice chair shall preside at board meetings and adjudicatory hearings in the absence of the chair. If the office of chair becomes vacant, the vice chair shall serve as chair until a new chair is elected.

(4) The secretary-treasurer shall preside at board meetings and adjudicatory proceedings in the absence of the chair and vice chair.

C. Vacancy. If the office of board chair becomes vacant, the board shall elect a chair at the next meeting or any subsequent meeting. If the office of vice chair or secretary-treasurer becomes vacant, the board may hold elections as it deems necessary and advisable.

D. Duties of the board administrator. The board administrator shall at all times perform assigned duties subject to the act, the Uniform Licensing Act, Sections 61-1-1 through 61-1-34 NMSA 1978, board rules and regulations, and the specific direction of the board. The board administrator shall perform duties as specified in these rules and regulations, shall supervise other personnel, and shall ensure the responsiveness and efficiency of the functions of the board.

E. Board office. The board office is located in Santa Fe, New Mexico.

F. Board meetings. The board shall conduct meetings in accordance with New Mexico Open Meetings Act, Sections 10-15-1 through 10-15-4 NMSA 1978.

(1) The board shall hold an annual meeting in July and shall hold other meetings as it deems necessary and advisable.

(2) The board shall conduct its meetings in an orderly fashion, with due regard for each board member and the public. The board may refer to Robert’s Rules of Order, revised, when necessary and advisable. The board administrator shall prepare the meeting agenda in accordance with the New Mexico Open Meetings Act and board resolution. The board may change the order of agenda items during its meeting. The board

shall transact official business only at a legally constituted meeting with a quorum present. The board is not bound in any way by any opinion, statement, or action of any board member(s), the board administrator, or other staff except when the action is pursuant to a lawful instruction or direction of the board. Except for proceedings to adopt, amend, or repeal regulations governed by Section 61-1-29 NMSA 1978, the board, in its sole discretion, may provide a reasonable opportunity for persons attending an open meeting to address the board on an agenda item. The request to speak shall be timely made and shall not cause delay or disruption of the board's meeting. Except for conferences for the purpose of settlement or simplification of the issues, no person shall be permitted to address the board on any pending or concluded application, complaint, investigation, adjudicatory proceeding, or matter in litigation. Any public comment to the board shall be brief, concise, and relevant to the agenda item. The board may limit the total time allotted for comments and the time allotted to any person. Pursuant to Subsection C of Section 10-15-1 NMSA 1978, a board member may participate in a meeting of the board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person.

(3) Any board member who cannot be impartial in the determination of any matter before the board and cannot judge a particular matter or controversy fairly on the basis of its own merits shall not participate in any board deliberation or vote on the matter. Any board member with a personal, social, family, financial, business, or pecuniary interest in a matter shall voluntarily recuse himself or herself and shall not participate in a hearing, consideration, deliberation, or vote on the matter, except as provided by law. Board members shall not disclose to any non-member the content of any executive session discussion or deliberation, or any other confidential matters that may be the subject of an executive session or attorney client privileged communications except as ordered by a court of competent jurisdiction or where the board knowingly and intentionally permits disclosure. Nothing herein shall preclude the board from including in executive session discussions or confidential committee meetings the board administrator or other persons the board deems necessary to assist the board in carrying out the functions of the board.

(4) License and certificate roster. The board will maintain a current roster of persons holding licenses and certificates in the state of New Mexico. Copies may be made available at a charge determined by the board.

[16.44.1.9 NMAC - Rp, 16.44.1.9 NMAC, 9-30-16]

16.44.1.10 BOARD RECORDS:

A. Public records shall be available for inspection in accordance with the provisions of the Inspection of Public Records Act, Sections 14-2-1 through 14-2-12 NMSA 1978.

B. The custodian shall charge for copying 8 ½" by 11" paper (16.44.8.8 NMAC). The custodian may charge an additional fee for copying undersize or oversize documents or papers. The board shall not be required to create any document or compile data for an individual or private entity. Consistent with the Inspection of Public Records Act and taking into account the available staff, space, and the needs of other legitimate public business, the custodian may determine the reasonable time, place, and conditions for access to public records. Public records shall not be removed from the board office except by board members, board staff, or agents of the board for official public business.

[16.44.1.10 NMAC - Rp, 16.44.1.10 NMAC, 9-30-16]

16.44.1.11 SEAL:

A. The official seal of the board shall be as follows: an embossed circular seal two inches in diameter, consisting of two concentric circles. The annular space between the two circles shall contain the seal of the state of New Mexico.

B. The board may also authorize a seal/stamp for use by registered landscape architects. Said seal/stamp will bear the registrant's name and registration number and the legend "registered landscape architect state of New Mexico." All plans, specifications, and reports issued by a registrant shall have the registrant's signature placed across the seal/stamp.

[16.44.1.11 NMAC - Rp, 16.44.1.11 NMAC, 9-30-16]

16.44.1.12 ADVERTISEMENT: In accordance with the joint practice committee of the state of New Mexico, the following procedure shall apply to advertising:

A. When individuals representing other disciplines, professions, or skills are listed they must be identified by the particular skill area.

B. When advertising in a discipline area there must be a New Mexico registrant in that field who can legally bind by contract the company, corporation or business.

C. If only registrants within the profession or discipline are being listed, no special identification is required.
[16.44.1.12 NMAC - Rp, 16.44.1.12 NMAC, 9-30-16]

16.44.1.13 DESIGN COMPETITION: A landscape architect licensed in another jurisdiction must be licensed in New Mexico before participating, partaking, or bidding in any design competition in New Mexico.
[16.44.1.13 NMAC - Rp, 16.44.1.13 NMAC, 9-30-16]

16.44.1.14 BOARD REGULATION: Board regulations may be adopted, amended, repealed, or superseded by rule making proceedings pursuant to applicable provisions of the act, the Uniform Licensing Act, and the State Rules Act.
[16.44.1.14 NMAC - Rp, 16.44.1.14 NMAC, 9-30-16]

HISTORY OF 16.44.1 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

LAB 85-1, Rules and Regulations filed 11-27-85;

LAB 85-1, Rules and Regulations filed 12-02-85;

LAB 89-1, Rules and Regulations filed 05-05-89;

Rule 1 NMBLA, General Provisions filed 07-08-92;

Rule 3 NMBLA, Board Administration filed 07-08-92;

Rule 2, Organization, filed 7-8-92.

History of Repealed Material:

16.44.1 NMAC, Landscape Architects - General Provisions, filed 09-05-02 - Repealed effective 9-30-16.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 44 LANDSCAPE ARCHITECTS
PART 2 EDUCATIONAL AND EXAMINATION REQUIREMENTS FOR LICENSURE OR CERTIFICATION

16.44.2.1 ISSUING AGENCY: New Mexico Board of Landscape Architects, P.O. Box 25101, Santa Fe, NM 87504.

[16.44.2.1 NMAC - Rp, 16.44.2.1 NMAC, 9-30-2016]

16.44.2.2 SCOPE: The provisions of 16.44.2 NMAC apply to applicants for licensure and certification.

[16.44.2.2 NMAC - Rp, 16.44.2.2 NMAC, 9-30-2016]

16.44.2.3 STATUTORY AUTHORITY: This part is adopted pursuant to Landscape and Architects Act, Sections 61-24B-8, 61-24B-11, 61-24B-12, 61-24B-16 NMSA 1978.

[16.44.2.3 NMAC - Rp, 16.44.2.3 NMAC, 9-30-2016]

16.44.2.4 DURATION: Permanent.

[16.44.2.4 NMAC - Rp, 16.44.2.4 NMAC, 9-30-2016]

16.44.2.5 EFFECTIVE DATE: September 30, 2016, unless a later date is cited at the end of a section.

[16.44.2.5 NMAC - Rp, 16.44.2.5 NMAC, 9-30-2016]

16.44.2.6 OBJECTIVE: This part establishes the minimum educational and examination requirements for applicants applying for licensure or certification.

[16.44.2.6 NMAC - Rp, 16.44.2.6 NMAC, 9-30-2016]

16.44.2.7 DEFINITIONS: (Refer to Part 1)

16.44.2.8 EDUCATIONAL REQUIREMENTS:

A. Qualifications for registration as a landscape architect. A person desiring to become registered as a landscape architect shall make application to the board on a written form and in such manner as the board prescribes, pay all required application fees and certify and furnish evidence to the board that the applicant:

(1) has graduated from an accredited program in landscape architecture at a school, college or university and has a minimum of two years of practical experience after graduation and acceptable to the board, at least one year of which shall be under the supervision of a registered landscape architect; or

(2) has graduated from a non-accredited program of landscape architecture at a school, college or university offering a minimum four-year bachelor's degree curriculum or a minimum two-year master's degree curriculum and has a minimum of four years of practical experience after graduation and acceptable to the board, at least one year of which shall be under the supervision of a registered landscape architect; or

(3) has graduated from a program in a field related to landscape architecture at a school, college or university offering a minimum four-year bachelor's degree curriculum or a minimum two-year master's degree curriculum and has a minimum of five years of practical experience after graduation and acceptable to the board, at least one year of which shall be under the supervision of a registered landscape architect; or

(4) has a minimum of ten years of practical experience in landscape architectural work that is acceptable to the board, at least one year of which shall be under the supervision of a registered landscape architect, provided that:

(a) each satisfactorily completed year of study in an accredited program of landscape architecture may be accepted in lieu of one year of practical experience required under this subsection; or

(b) a baccalaureate degree from a school, college or university may be accepted in lieu of two years of practical experience required under this subsection.

B. Qualifications for certification as a landscape architect in training. A person desiring to be certified as a landscape architect in training shall make application to the board on a written form and in such manner as the board prescribes, pay all required application fees and certify and furnish evidence to the board that the applicant has practical experience in landscape architectural work acceptable to the board and:

(1) has graduated from an accredited program in landscape architecture at a school, college or university; or

(2) has graduated from a non-accredited program of landscape architecture at a school, college or university offering a minimum four-year bachelor's degree curriculum or a minimum two-year master's degree curriculum; or

(3) has graduated from a program related to landscape architecture at a school, college or university offering a minimum four-year bachelor's degree curriculum or a minimum two-year master's degree curriculum.

[16.44.2.8 NMAC - Rp, 16.44.2.8 NMAC, 9-30-2016]

16.44.2.9 EXAMINATION:

A. Applicants for registration as a landscape architect shall be required to pass the board's examination for landscape architects.

(1) To qualify for licensure, an applicant must demonstrate professional competence by passing the (L.A.R.E.) or have previously passed the uniform national examination (UNE). An applicant who passes the examination may be issued a registration to practice as a landscape architect provided the applicant meets all the current requirements for licensure.

(2) The board shall conduct examination of applicants at least once each year.

(3) The passing score on the L.A.R.E. is that score recommended by CLARB. The examination is scored on a pass-fail basis.

(4) An applicant who fails to pass the L.A.R.E. may reapply for the examination if the applicant complies with the rules established by the board in effect at the time of reapplication.

(5) An applicant may sit for the L.A.R.E. before or while completing the practical experience/supervision.

B. Applicants for certification as a landscape architect in training shall be required to pass the board's examination for landscape architect in training.

(1) To qualify for certification as a landscape architect in training, an applicant must demonstrate some level of professional competence and demonstrate the applicant's pursuit of a landscape architectural career by passing any two sections of the L.A.R.E.

(2) The board shall conduct examinations of applicants for certification as a landscape architect in training at least once each year.

(3) The passing score on the L.A.R.E. is that score recommended by CLARB. The examination is scored on a pass-fail basis.

(4) An applicant who passes the examination may be issued a certificate as a landscape architect in training allowing the use of the landscape architect in training designation provided the applicant meets all the current requirements for certification.

(5) An applicant who fails to pass the examination may reapply for the examination if the applicant complies with the rules established by the board in effect at the time of reapplication.

(6) Certification as a landscape architect in training is limited to five years in duration as established by the board.

[16.44.2.9 NMAC - Rp, 16.44.2.9 NMAC, 9-30-2016]

16.44.2.10 [RESERVED]

16.44.2.11 RECIPROCITY: The board may issue a license to practice as a registered landscape architect without an examination to an applicant who holds a current registration or license as a landscape architect issued by another state if the standards of the other state are as stringent or higher than those established by the rules and regulations and if the applicant meets the qualifications required of a registered landscape architect in this state.

[16.44.2.11 NMAC - Rp, 16.44.2.11 NMAC, 9-30-2016]

HISTORY OF 16.44.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

LAB 85-1, Rules and Regulations, 11-27-85;

LAB 85-1, Rules and Regulations, 12-02-85;

LAB 89-1, Rules and Regulations, 05-05-89;

Rule 4, NMBLA, Registration, 07-08-92

History of Repealed Material:

16 NMAC 44.2, Registration for Licensure - Repealed 10-05-02

16.44.2 NMAC, Registration for Licensure, filed 9-5-2002 - Repealed effective 9-30-2016.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 44 LANDSCAPE ARCHITECTS
PART 3 REGISTRATION FOR LICENSURE OR CERTIFICATION

16.44.3.1 ISSUING AGENCY: New Mexico Board of Landscape Architects, P.O. Box 25101, Santa Fe, NM 87504.

[16.44.3.1 NMAC - Rp, 16.44.3.1 NMAC, 9-30-2016]

16.44.3.2 SCOPE: The provisions of 16.44.3 NMAC apply to all applicants for licensure or certification.

[16.44.3.2 NMAC - Rp, 16.44.3.2 NMAC, 9-30-2016]

16.44.3.3 STATUTORY AUTHORITY: This part is adopted pursuant to Landscape Architects Act, Sections 61-24B-4, 61-24B-8, 61-24B-9 NMSA 1978, Uniform Licensing Act, Section 61-1-34 NMSA 1978 and Uniform Electronic Transactions Act, Sections 14-16-1 through 14-16-19 NMSA 1978.

[16.44.3.3 NMAC - Rp, 16.44.3.3 NMAC, 9-30-2016]

16.44.3.4 DURATION: Permanent.

[16.44.3.4 NMAC - Rp, 16.44.3.4 NMAC, 9-30-16]

16.44.3.5 EFFECTIVE DATE: September 30, 2016, unless a later date is cited at the end of a section.

[16.44.3.5 NMAC - Rp, 16.44.3.5 NMAC, 9-30-2016]

16.44.3.6 OBJECTIVE: This part is to establish the minimum requirements for applicants applying for licensure as a landscape architect or certification as a landscape architect in training.

[16.44.3.6 NMAC - Rp, 16.44.3.6 NMAC, 9-30-2016]

16.44.3.7 DEFINITIONS: (Refer to Part 1)

16.44.3.8 REGISTRATION OR CERTIFICATION:

A. Unless currently licensed to practice landscape architecture pursuant to the Landscape Architects Act and these rules, no person shall:

- (1) engage in the practice of landscape architecture; or
- (2) use the title or represent himself or herself as a landscape architect; or
- (3) use any other title, abbreviation, letters, signs or devices that indicate the person is a

landscape architect.

B. Unless currently certified as a landscape architect in training, no person shall:

- (1) use the title or represent himself or herself as a landscape architect in training; or
- (2) use any other title, abbreviation, letters, signs, or devices that indicate the person is a

landscape architect in training.

C. Any person who renders or offers to render landscape architecture services while his or her license is expired, suspended or revoked is subject to the board's jurisdiction and may face disciplinary action by the board. Any person who renders or offers to render services as a landscape architect in training while he or she is not a certificate holder is subject to the board's jurisdiction and may face disciplinary action by the board.

D. It is a misdemeanor:

- (1) for a person not licensed under the Landscape Architects Act to practice landscape architecture or represent himself or herself as a landscape architect; or
- (2) for any person to practice landscape architecture during the time that his or her license as a landscape architect or as a landscape architect in training is expired, suspended, or revoked.

[16.44.3.8 NMAC - Rp, 16.44.3.8 NMAC, 9-30-2016]

16.44.3.9 APPLICATION AND FEES:

A. Application forms: To apply for licensure as a landscape architect or a certificate as a landscape architect in training, the applicant shall submit a completed application on the form provided by the board. The applicant shall ensure that the application is complete and that all fees are paid.

B. A non-refundable application fee is due at the time of application. The amount of this fee shall be as defined in 16.44.8.8 NMAC.

C. Compliance: The applicant shall comply with the Landscape Architects Act and the board's rules and regulations.

D. Examination: Eligibility and application to sit for the landscape architect registration examination (L.A.R.E) shall be as established by the council of landscape architect registration board (CLARB), as prescribed by 16.44.2.9 NMAC.

[16.44.3.9 NMAC - Rp, 16.44.3.9 NMAC, 9-30-2016]

16.44.3.10 LANDSCAPE ARCHITECT APPLICANTS NOT PREVIOUSLY LICENSED IN ANY JURISDICTION:

- A.** Application Procedure: The applicant shall submit the following:
- (1) a completed and signed application;
 - (2) the application fee as required by board;
 - (3) official educational transcripts sent to the board office directly from the institution's office of the registrar;
 - (4) verification of practical experience;
 - (5) samples of work: to assist the board in evaluating the applicant's practical experience, the applicant shall submit evidence of his or her experience with the completed application form in one or both of the following formats:
 - (a) a minimum of six and a maximum of ten graphic images (formatted to 8 ½ x 11") of projects or drawings depicting construction, planting, irrigation, or design; or
 - (b) a maximum two-page summary or abstract that describes relevant experience such as administration, research, planning, or teaching;
 - (6) letters of reference: An applicant for licensure as a landscape architect shall submit three letters of reference, two of which shall be from individuals who are not members of the board; the letters of reference shall be from individuals who are not related to the applicant and who are familiar with and will speak to the applicant's professional activities;
 - (7) CLARB council record; and
 - (8) L.A.R.E. test results.
- B.** The board administrator will notify the applicant once the application file appears to be complete. The board will review the application at the next regular scheduled board meeting. The board administrator will notify the applicant of the board's decision relative to the application.
[16.44.3.10 NMAC - Rp, 16.44.3.10 NMAC, 9-30-2016]

16.44.3.11 [RESERVED]

16.44.3.12 LANDSCAPE ARCHITECT APPLICANTS LICENSED IN ANOTHER JURISDICTION, AND WHO ARE NOT CLARB CERTIFIED:

- A.** The board may issue a license to practice as a landscape architect without an examination to an applicant who holds a current registration or license as a landscape architect issued by another jurisdiction if the education and experience requirements of the other jurisdiction are as stringent or higher than those established in the board's rules and regulations and if the applicant meets the qualifications required of a registered landscape architect in this state.
- B.** Application procedure: To open an application file, the applicant shall submit the following:
- (1) a completed and signed application;
 - (2) the application fee as required by the board;
 - (3) official educational transcripts sent to the board office directly from the institution's office of the registrar;
 - (4) verification of practical experience;
 - (5) samples of work; practical experience for licensure for an applicant shall begin after graduation from the school, college or university program as described in 16.44.2 NMAC; to assist the board in evaluating the applicants practical experience, the applicant shall submit evidence of his or her experience with the completed application form in in one or both of the following formats:
 - (a) a minimum of six and a maximum of 10 graphic images (formatted to 8 ½ "x 11") of projects or drawings depicting construction, planting, irrigation, or design; or
 - (b) a maximum two-page summary or abstract that describes relevant experience such as administration, research, planning, or teaching.
 - (6) letters of reference: An applicant for licensure as a landscape architect shall submit three letters of reference, two of which shall be from individuals who are not members of the board; the letters of reference shall be from individuals who are not related to the applicant and who are familiar with and will speak to the applicant's professional activities as a landscape architect;
 - (7) verification of licensure in another jurisdiction; and
 - (8) documentation of the licensing jurisdiction's minimum qualifications for licensure at the time of licensing (i.e. a copy of the applicable law(s) from the licensing jurisdiction at the time of licensure).

C. The board administrator will notify the applicant once the application file appears to be complete. The board will review the application at the next regularly scheduled board meeting. The board administrator will notify the applicant of the board's decision relative to the application.
[16.44.3.12 NMAC - Rp, 16.44.3.12 NMAC, 9-30-2016]

16.44.3.13 LANDSCAPE ARCHITECT APPLICANTS WHO ARE CLARB CERTIFIED:

A. Initial application procedure. To open an initial application file, the applicant shall submit the following:

- (1) a completed and signed application;
- (2) the application fee as required by the board;
- (3) certification received directly from CLARB.

B. Once the application file is complete the board office will notify the applicant. The board administrator has been authorized by the board to then issue a license to the applicant.
[16.44.3.13 NMAC - Rp, 16.44.3.13 NMAC, 9-30-2016]

16.44.3.14 [RESERVED]

16.44.3.15 PROVISIONS FOR EMERGENCY LICENSURE:

A. Landscape architects currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure in a state in which a federal disaster has been declared, may be granted an emergency license in New Mexico during a four-month period following the declared disaster at no cost upon satisfying the following requirements:

- (1) receipt by the board office of a completed application that has been signed and notarized and accompanied by proof of identity, which may include a copy of a driver's license, passport or other photo identification issued by a governmental entity;
- (2) other required verification may be obtained from the council of landscape architectural registration boards through the CLARB council record;
- (3) nothing in this section shall constitute a waiver of qualifications of the requirements for licensure contained in 16.44.2 NMAC;
- (4) sworn affidavit that the applicant was personally or professionally affected by the disaster.

B. The board may waive the application fees only.

C. The board may waive the specific forms required under 16.44.3.12 NMAC and 16.44.3.13 NMAC only if the applicant is unable to obtain documentation from the federal declared disaster areas.

D. The emergency license shall expire on June 30 following the date of issue. Application for initial license shall be made on or before April 1 following the date of issue of the emergency license.

E. The board reserves the right to request additional documentation, including but not limited to, recommendation forms and work experience verification forms prior to approving the initial license.
[16.44.3.15 NMAC - Rp, 16.44.3.15 NMAC, 9-30-2016]

16.44.3.16 TERMINATION OF EMERGENCY LICENSE:

A. The emergency license shall terminate upon the following circumstances:

- (1) the issuance of a license under 16.44.3.10; 16.44.3.12 and 16.44.3.13 NMAC; or
- (2) proof that the emergency license holder has engaged in fraud, deceit, or misrepresentation in procuring or attempting to procure a license under this section.

B. Termination of an emergency license shall not preclude application for permanent licensure.
[16.44.3.16 NMAC - Rp, 16.44.3.16 NMAC, 9-30-2016]

16.44.3.17 EXEMPTIONS:

A. The following shall be exempt from the provisions of the Landscape Architects Act as long as they do not hold themselves out to the public as landscape architects or use the term "landscape architect" without being registered pursuant to the Landscape Architects Act, 61-24B NMSA 1978:

- (1) landscape architects who are not legal residents of or who have no established place of business in this state who are acting as consulting associates of a landscape architect registered under the provisions of the Landscape Architects Act, 61, 24B NMSA 1978, provided that the nonresident landscape architect meets equivalent registration qualifications in his own state or country;
- (2) landscape architects acting solely as officers or employees of the United States; and

(3) a person making plans for a landscape associated with a single-family residence or multi-family residential complex of four units or less except when it is part of a larger complex.

B. Nothing in the Landscape Architects Act, 61-24B NMSA 1978 is intended to limit, interfere with or prevent a professional architect, engineer or land surveyor from engaging in landscape architecture within the limits of his or her licensure.

C. Nothing in the Landscape Architects Act, 61-24B NMSA 1978 is intended to limit, interfere with or prevent the landscape architects in training, drafters, students, clerks or superintendents and other employees of registered landscape architects from acting under the instructions, control or supervision of the registered landscape architect or to prevent the employment of superintendents on the construction, enlargement or alterations of landscape improvements or any appurtenances thereto or to prevent such superintendents from acting under the immediate personal supervision of registered landscape architects by whom the plans and specifications of any landscape architectural services were prepared.

[16.44.3.17 NMAC - Rp, 16.44.3.17 NMAC, 9-30-16]

16.44.3.18 EXPEDITED LICENSURE/CERTIFICATION BY RECIPROCITY FOR MILITARY AND SPOUSES LICENSED IN ANOTHER JURISDICTION:

A. If a military service member, the spouse of a military service member, or a recent veteran submits an application for license or certification and is a qualified applicant pursuant to this part, the board shall expedite the processing of such application and issue the license or certification as soon as practicable. The terms “military service member” and “recent veteran” are defined in the Uniform Licensing Act, 61-1-34 NMSA 1978. Any qualified veteran applicant seeking expedited licensure pursuant to this section shall submit a copy of form DD214, certificate of release or discharge from active duty, with the application.

B. A license or certification issued pursuant to this section shall not be renewed automatically, and shall be renewed only if the licensee or certificate holder satisfies all requirements for the issuance and renewal of a license or certificate pursuant to the Landscape Architects Act and the board’s rules, including 16.44.4 NMAC.

[16.44.3.18 NMAC - N, 9-30-2016]

16.44.3.19 ELECTRONIC APPLICATIONS: In accordance with the Uniform Electronic Transactions Act, Sections 14-16-1 through 14-16-21 NMSA 1978, the board or its designee will accept electronic application.

A. A person seeking licensure as a New Mexico landscape architect or seeking certification as a New Mexico landscape architect in training may do so by submitting an electronic application. Applicants shall submit all information as required by 16.44.3 NMAC.

B. A landscape architect may renew his or her license, and a landscape architect in training may renew his or her certificate, electronically through a designated website provided by the board. A person renewing his or her license or certificate shall submit all documentation as required by 16.44.4 NMAC.

C. A landscape architect who is currently on inactive status may submit an electronic applications requesting reactivation of his or her certificate of registration. A person requesting reactivation of his or her certificate of registration shall submit all documentation as required by the Landscape Architects Act, Sections 61-24B-9.1 NMSA 1978 and 16.44.6.9 NMAC.

D. A person whose landscape architect license or landscape architect in training certificate has been suspended or revoked, or has expired, may in accordance with the Landscape Architects Act, the board’s rules and any lawful board or court order, submit an electronic application seeking reinstatement. Applicants shall submit all information as required by the Landscape Architects Act, 61-24B NMSA and the board’s rules.

[16.44.3.19 NMAC - N, 9-30-2016]

HISTORY OF 16.44.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

LAB 85-1, Rules and Regulations filed 11-27-85; LAB 85-1, Rules and Regulations filed 12-02-85;
LAB 89-1, Rules and Regulations filed 05-05-89; Rule 4 NMBLA, Registration filed 07-08-92.

History of Repealed Material:

16 NMAC 44.2, Registration for Licensure - Repealed 10-05-02

16.44.3 NMAC, Registration for Licensure - filed 09-05-02 - Repealed effective 9-30-16.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 44 LANDSCAPE ARCHITECTS
PART 4 LICENSE OR CERTIFICATE EXPIRATION AND RENEWAL

16.44.4.1 ISSUING AGENCY: New Mexico Board of Landscape Architects, P. O. Box 25101, Santa Fe, NM 87504.

[16.44.4.1 NMAC - Rp, 16 44.4.1 NMAC, 9-30-2016]

16.44.4.2 SCOPE: The provisions of 16.44.4 NMAC apply to registered landscape architects and certified landscape architects in training.

[16.44.4.2 NMAC - Rp, 16 44.4.2 NMAC, 9-30-2016]

16.44.4.3 STATUTORY AUTHORITY: This part is adopted pursuant to Landscape Architects Act, Sections 61-24B-11, 61-24B-15 NMSA 1978 and the Uniform Licensing Act, Section 61-1-34 NMSA 1978.

[16.44.4.3 NMAC - Rp, 16 44.4.3 NMAC, 9-30-2016]

16.44.4.4 DURATION: Permanent.

[16.44.4.4 NMAC - Rp, 16 44.4.4 NMAC, 9-30-2016]

16.44.4.5 EFFECTIVE DATE: September 30, 2016, unless a later date is cited at the end of a section.

[16.44.4.5 NMAC - Rp, 16 44.4.5 NMAC, 9-30-2016]

16.44.4.6 OBJECTIVE: This part establishes the procedures for license and certificate expiration and renewal.

[16.44.4.6 NMAC - Rp, 16 44.4.6 NMAC, 9-30-2016]

16.44.4.7 DEFINITIONS: (Refer to Part 1)

16.44.4.8 LICENSE AND CERTIFICATE RENEWAL:

A. Each landscape architect shall renew his or her license to practice landscape architecture in New Mexico annually on or before June 30 of the year by remitting to the board administrator a renewal fee with the renewal application form provided by the board. Continuing education hours shall be documented as described in 16.44.5.8. NMAC.

B. Each landscape architect in training shall renew his or her certificate to practice in New Mexico annually on or before June 30 of the year by remitting to the board administrator a renewal fee with the renewal application form provided by the board.

C. As provided by 16.44.3.18 NMAC, a license or certificate issued pursuant to the expedited licensure of a military service member or a spouse of a military service member or a recent veteran shall not be renewed unless the licensee or certificate holder satisfies the requirements for the issuance and for the renewal of a license pursuant to the Landscape Architects Act, 61-24B NMSA 1978 and 16.44.3.8 through 16.44.3.13 NMAC and 16.44.4.8 through 16.44.4.13 NMAC.

[16.44.4.8 NMAC - Rp, 16 44.4.8 NMAC, 9-30-2016]

16.44.4.9 LICENSE AND CERTIFICATE EXPIRATION DATE: A license or certificate shall expire on July 1 unless renewed on or before June 30.

[16.44.4.9 NMAC - N, 8-14-16]

16.44.4.10 [RESERVED]

16.44.4.11 LICENSEE AND CERTIFICATE HOLDER RESPONSIBILITY:

A. The licensee or certificate holder shall inform the board office of any changes in his or her physical mailing address, email address and telephone numbers within 30 days of the change.

B. Timely submittal of the complete renewal application shall be the sole responsibility of the licensee or certificate holder. Failure to receive a renewal application notice shall not relieve the licensee or certificate holder of his or her responsibility of renewing on or before June 30.

[16.44.4.11 NMAC - Rp, 16 44.4.11 NMAC, 9-30-2016]

16.44.4.12 RENEWAL OF EXPIRED LICENSE:

A. An individual holding an expired license or certificate may submit a renewal application and shall be required to pay all applicable renewal fees and late fees as prescribed by 16.44.8 NMAC.

B. Expired licenses or certificates that are not renewed within 12 months of the expiration date shall not be renewed.

C. Individuals seeking to renew licenses or certificates after 12 months from the expiration date shall be required to apply for a new license or certificate.

D. An individual with an expired license and practicing landscape architecture or holding oneself out to be a landscape architect is in violation of the Landscape Architects Act and is subject to disciplinary proceedings in accordance with the Landscape Architects Act and the Uniform Licensing Act, Sections 61-1-1 et seq. NMSA 1978.

E. An individual with an expired certificate holding oneself out to be a landscape architect in training is in violation of the Landscape Architect Act and is subject to disciplinary proceedings in accordance with the Landscape Architect Act and of the Uniform Licensing Act, Sections 61-1-1 et seq. NMSA 1978.
[16.44.4.12 NMAC - Rp, 16 44.4.12 NMAC, 9-30-2016]

16.44.4.13 APPROVAL OF RENEWAL APPLICATION: Upon receipt of a complete renewal application, the board authorizes the administrator to issue a license or certificate with an expiration date of June 30, which shall be ratified by the board at their next regularly scheduled meeting.

[16.44.4.13 NMAC - Rp, 16 44.4.13 NMAC, 9-30-2016]

HISTORY OF 16.44.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

LAB 85-1, Rules and Regulations filed 11-27-85; LAB 85-1, Rules and Regulations filed 12-02-85;
LAB 89-1, Rules and Regulations filed 05-05-89; Rule 8 NMBLA, Failure to Renew filed 07-08-92;
Rule 9 NMBLA, Continuing Education filed 07-08-92

History of Repealed Material:

16 NMAC 44.5, Renewal and Continuing Education - Repealed 10-05-02.

16.44.4 NMAC, Registration for Licensure - filed 09-05-02 - Repealed 9-30-2016.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 44 LANDSCAPE ARCHITECTS
PART 5 CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS

16.44.5.1 ISSUING AGENCY: New Mexico Board of Landscape Architects, P.O. Box 25101, Santa Fe, NM 87504. [16.44.5.1 NMAC - Rp, 16.44.5.1 NMAC, 9-30-16]

16.44.5.2 SCOPE: The provisions of 16.44.5 NMAC apply to all registered landscape architects who are applying to renew their license. [16.44.5.2 NMAC - Rp, 16.44.5.2 NMAC, 9-30-16]

16.44.5.3 STATUTORY AUTHORITY: This part is adopted pursuant to the Landscape Architects Act, Sections 61-24B-11, 61-24B-15 NMSA 1978. [16.44.5.3 NMAC - Rp, 16.44.5.3 NMAC, 9-30-16]

16.44.5.4 DURATION: Permanent. [16.44.5.4 NMAC - Rp, 16.44.5.4 NMAC, 9-30-16]

16.44.5.5 EFFECTIVE DATE: September 30, 2016, unless a later date is cited at the end of a section. [16.44.5.5 NMAC - Rp, 16.44.5.5 NMAC, 9-30-16]

16.44.5.6 OBJECTIVE: The objective of 16.44.5 NMAC is to establish criteria for professional continuing education for landscape architects licensed in New Mexico. [16.44.5.6 NMAC - Rp, 16.44.5.6 NMAC, 9-30-16]

16.44.5.7 DEFINITIONS: (Refer to Part 1)

16.44.5.8 PURPOSE OF CONTINUING PROFESSIONAL EDUCATION:

A. The purpose of continuing professional education (CPE) requirements for registered landscape architects is to ensure that the licensees update and advance their skill such that the public shall benefit from the most current and effective standards of professional practice. To further the goal of public benefit, registered landscape architects are encouraged to fulfill a portion of their (CPE) requirements in the areas of ethics, professional conduct and public health, safety and welfare.

B. Timeframe of CPE: The board requires every two years a minimum of 30 contact hours of CPE to be completed as a condition for renewal of any registration under the Landscape Architects Act. While the license renewal shall be every year, with the CPE reporting every other year. The 30 hours reporting period will begin July 1 of every odd-numbered year. During a biennial reporting period every registrant is required to obtain 30 CPE hours as approved by the board. During a biennial reporting period the licensee shall submit to the board the report itemizing CPE contact hours for the applicable reporting period, every other year. If a registrant exceeds the minimum biennium requirement in any reporting cycle, credits may not be carried forward into the subsequent biennium.

C. Recordkeeping: Each registered landscape architect shall maintain:

(1) a log showing the subject and type of activity claimed, the sponsoring organization, location, duration and instructor's or speaker's name;

(2) documentation sufficient to prove completion of the activity claimed, such as attendance verification records, completion certificates or other documents;

(3) records for at least four years, and throughout any period when registration is in an inactive status if applicable;

(4) copies of all records that may be requested by the board for audit verification purposes, which shall include:

(a) a list showing the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and CPE hours earned; and

(b) attendance verification records in the form of completion certificates, paid receipts or other documents supporting evidence of attendance; these records must be maintained for a period of three years and copies may be requested by the board for audit verification purposes.

(5) a form as provided by the board in order to document CPE units.

[16.44.5.8 NMAC - Rp, 16.44.5.8 NMAC, 9-30-16]

16.44.5.9 PREAPPROVED PROGRAM CATEGORIES:

A. Listed below are pre-approved methods for acquiring CPE hours. Hours must be relevant to the design professions that are recognized as landscape architects, engineers, and architects. The conversion of hours or credit is as follows:

(1) three college semester hours: 30 hours per biennium;

(2) three college quarter hours: 20 hours per biennium;

(3) each continuing education unit: 10 hours per biennium;

- (4) professional development in course work, seminars, professional conventions, workshops related to design professions: hour per hour of lecture time per biennium;
- (5) teaching credit (valid for teaching a course or seminar for the first time only): 15 hours per biennium;
- (6) each published professionally related paper, article, or book: 10 hours per biennium;
- (7) each professional presentation when presented at a national, state, regional or municipal program for the first time only: three hours per biennium;
- (8) serving on federal, state or municipal boards and commissions as a design professional where one is elected or appointed: one hour per month of service not to exceed 24 hours per biennium;
- (9) active participation in professional and technical societies and their committees: four hours per biennium;
- (10) committee chair or elected official of a professional technical society: eight hours per biennium;
- (11) active participation in a public board specifically related to the practice of landscape architecture; licensee must not receive a salary and is only paid pursuant to the Per Diem and Mileage Act: eight hours per biennium;
- (12) business related courses: 10 hours per biennium;
- (13) self-improvement courses: 6 hours per biennium
- (14) short subjects for design professionals, i.e. CLARB, NCARB etc.: as established by sponsor.

B. Determination of credit: The board has final authority with respect to approval of courses, credit, CPE value for courses, and other methods of earning credit.

- (1) Credit for college or community college approved courses will be based upon course credit established by the college.
- (2) Credit for seminars, workshops, professional conventions and course/activities may be as recommended by the professional societies.
- (3) Educational travel/independent study credit allowed shall not exceed eight hours of occurrence with a maximum of 16 hours per biennium.

C. Exemptions: A registered landscape architect may be exempt, upon board review and approval, from CPE requirements in any of the following situations:

- (1) the new landscape architect's first renewal period is less than one year from the original date of licensure;
- (2) a landscape architect is called to active duty in the armed forces for a period of time exceeding 120 consecutive days in a calendar year; this individual may be exempt from obtaining one-half of the required CPE during the current biennium;
- (3) a landscape architect experiences physical disability or illness that prevents the landscape architect from practicing landscape architecture; the landscape architect shall provide supporting documentation for the board's review and approval; if the landscape architect elects to return to practice, the landscape architect shall complete all CPE hours required during the current biennium.

D. Audit: Upon request, each registered landscape architect shall provide proof of satisfying the CPE requirements. If the landscape architect fails to furnish the information to the board or if the information is not sufficient to satisfy the requirements, the licensee shall not be renewed.

E. Disallowance: If the board disallows one or more CPE activities claimed, the board may, at its discretion, allow the registered landscape architect up to 120 days after notification to substantiate the original claim or to complete other CPE activities sufficient to meet the minimum requirements.

F. Noncompliance: A registrant who does not satisfy the CPE requirement for registration renewal will be placed on probationary status and so notified by the board following the renewal date. The registrant must comply within six months following the renewal date or the registration may be classified as suspended. The contact hours needed to fulfill the prior biennial period requirement shall not be included in the subsequent renewal period. Failure of a registrant to satisfy the CPE requirements for registration renewal may be cause for the board to deny license renewal for the licensee. [16.44.5.9 NMAC - Rp, 16.44.5.9 NMAC, 9-30-16]

HISTORY OF 16.44.5 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

LAB 85-1, Rules and Regulations filed 11-27-85; LAB 85-1, Rules and Regulations filed 12-02-85;
 LAB 89-1, Rules and Regulations filed 05-05-89; Rule 8 NMBLA, Failure to Renew filed 07-08-92;

Rule 9 NMBLA, Continuing Education filed 07-08-92.

History of Repealed Material:

16 NMAC 44.5, Renewal and Continuing Education - Repealed, 10-05-02.

16.44.5 NMAC, Renewal and Continuing Education, filed 9-5-2002 - Repealed effective 9-30-16.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 44 LANDSCAPE ARCHITECTS
PART 6 INACTIVE STATUS AND REINSTATEMENT

16.44.6.1 ISSUING AGENCY: New Mexico Board of Landscape Architects, P.O. Box 25101, Santa Fe, NM 87504. [16.44.6.1 NMAC - Rp, 16.44.6.1 NMAC, 9-30-16]

16.44.6.2 SCOPE: The provisions of 16.44.6.6 NMAC apply to all registered landscape architects who plan to place their license on inactive status, or reinstate their inactive license to active status. [16.44.6.2 NMAC - Rp, 16.44.6.2 NMAC, 9-30-16]

16.44.6.3 STATUTORY AUTHORITY: This part is adopted pursuant to Landscape Architects Act, Section 61-24B-9.1 NMSA 1978. [16.44.6.3 NMAC - Rp, 16 44.6.3 NMAC, 9-30-16]

16.44.6.4 DURATION: Permanent. [16.44.6.4 NMAC - Rp, 16.44.6.4 NMAC, 9-30-16]

16.44.6.5 EFFECTIVE DATE: September 30, 2016, unless a later date is cited at the end of a section. [16.44.6.5 NMAC - Rp, 16.44.6.5 NMAC, 9-30-16]

16.44.6.6 OBJECTIVE: This part establishes the requirements and procedures to place an active license on inactive status or to reinstate the license to active status. [16.44.6.6 NMAC - Rp, 16.44.6.6 NMAC, 9-30-16]

16.44.6.7 DEFINITIONS: (Refer to Part 1) [16.44.6.7 NMAC - Rp, 16 44.6.7 NMAC, 9-30-16]

16.44.6.8 INACTIVE STATUS:

A. A current licensee in good standing is eligible to be placed on inactive status. A licensee who failed to renew a license by June 30 of any year shall renew the license in accordance with 16.44.4 NMAC before the licensee can be considered for inactive status.

B. A licensee who wishes to be placed on inactive status shall notify the board administrator in writing before his or her current license expires. The administrator will acknowledge receipt of the notification.

C. A licensee shall pay the fees established by the board to be placed on inactive status.

D. Rendering or offering to render landscape architectural services or engaging in the practice of landscape architecture while on inactive status shall be considered sufficient grounds for disciplinary action by the board.

E. An inactive licensee shall comply with the continuing professional education (CPE) requirements (including reporting CPE's) as described in 16.44.5 NMAC.

F. An inactive licensee shall not represent himself or herself as a registered landscape architect in public statements that include, but are not limited to, paid or unpaid advertising, brochures, printed matter, directory listings, personal resumes or curricula vitae, interviews or comments for use in media, statements in legal proceedings, lectures, and public oral presentations.

G. A licensee on inactive status shall at all times comply with the provisions of 16.44.7 NMAC. [16.44.6.8 NMAC - Rp, 16 44.6.8 NMAC, 9-30-16]

16.44.6.9 REINSTATEMENT FROM INACTIVE STATUS:

A. If the inactive licensee requests reinstatement to active status, he or she shall:
(1) notify the board in writing, requesting reinstatement to active status;
(2) provide satisfactory proof of completion of the CPE requirements;
(3) not have violated any rule of the Landscape Architects Act or the rules and regulations of the board; and
(4) pay the appropriate renewal fee established by the board.

B. A licensee on inactive status can return to active status any time provided he or she pays the appropriate fees and is current with the CPE requirements of 16.44.5 NMAC.

C. A licensee on inactive status shall not render or offer to render landscape architectural services or otherwise engage in the practice of landscape architectural until he or she receives an active license.

D. A licensee who does not meet the CPE requirements may not move into active status. [16.44.6.9 NMAC - Rp, 16 44.6.9 NMAC, 9-30-16]

HISTORY OF 16.44.6 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

LAB 85-1, Rules and Regulations, 11-27-85;

LAB 85-1, Rules and Regulations, 12-02-85;

LAB 89-1, Rules and Regulations, 05-05-89;

Rule 4, NMBLA, Registration, 07-08-92

History of Repealed Material:

16.44.6 NMAC, Landscape Architects - Inactive Status and Reinstatement, filed 09-05-02 - Repealed effective 09-30-16.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 44 LANDSCAPE ARCHITECTS
PART 7 CODE OF PROFESSIONAL CONDUCT

16.44.7.1 ISSUING AGENCY: New Mexico Board of Landscape Architects, P.O. Box 25101, Santa Fe, NM 87504. [16.44.7.1 NMAC - Rp, 16.44.7.1 NMAC, 9-30-16]

16.44.7.2 SCOPE: This part applies to the board, licensees, certificate holders, applicants for licensure or certification, and the general public. [16.44.7.2 NMAC - Rp, 16.44.7.2 NMAC, 9-30-16]

16.44.7.3 STATUTORY AUTHORITY: This part is adopted pursuant to the Landscape Architects Act, Sections 61-24-B1, 61-24-B3, 61-24-B6, 61-24-B7, 61-24-B10 NMSA 1978.
[16.44.7.3 NMAC - Rp, 16.44.7.3 NMAC, 9-30-16]

16.44.7.4 DURATION: Permanent. [16.44.7.4 NMAC - Rp, 16.44.7.4 NMAC, 9-30-16]

16.44.7.5 EFFECTIVE DATE: September 30, 2016, unless a later date is cited at the end of a section.
[16.44.7.5 NMAC - Rp, 16.44.7.5 NMAC, 9-30-16]

16.44.7.6 OBJECTIVE: This part establishes the standards against which the required professional conduct of a registered landscape architect or a landscape architect in training is measured. Each licensee, certificate holder and applicant will be governed by this part whenever providing landscape architectural services. A violation of this part is sufficient reason for disciplinary action pursuant to the Landscape Architects Act.
[16.44.7.6 NMAC - Rp, 16.44.7.6 NMAC, 9-30-16]

16.44.7.7 DEFINITIONS: (Refer to Part 1)

16.44.7.8 CODE OF PROFESSIONAL CONDUCT:

A. This code expresses in general terms the level of professional conduct expected of licensees in the state of New Mexico. Such a code is no guarantee of moral actions on the part of the licensees but depends upon the integrity of each registrant or certificate holder to conduct himself or herself in a responsible and straightforward manner both in dealings with clients and other professionals.

B. Licensees should be more than a group of individuals offering a service to the public. They should comprise an entity with a bond between licensees based on mutual respect and a dedication to improving the quality of life for all persons.

C. The licensee shall:

- (1) exert every effort towards the preservation and protection of our natural resources and toward understanding the interaction of the economic and social systems with these resources;
- (2) further the welfare and advancement of the profession by constantly striving to provide the highest level of professional services, avoiding even the appearance of improper professional conduct;
- (3) serve the client or employer with integrity, understanding, knowledge, and creative ability and respond morally to social, political, economic, and technological influences;
- (4) make full disclosure to the client or employer of any financial interest, that even remotely bears upon the services or project;
- (5) truthfully and clearly inform the client or employer of his or her qualification and capabilities to perform services;
- (6) not make exaggerated, misleading, deceptive or false statements or claims to the public about his or her professional qualifications, experience or performance;
- (7) regard as confidential any information obtained by him or her as to the business affairs and technical methods or processes of a client or employer;
- (8) not give, lend, or promise anything of value to any public official in order to influence or attempt to influence the official's judgment or action in the letting of contracts;
- (9) refrain from lending his or her name or stamp/seal for plans or other documents for the preparation of which he or she was not directly responsible;
- (10) refrain from using the advantages of a salaried position to influence the letting of contracts;
- (11) not knowingly make false statements about the professional work of others; and

(12) refrain from engaging in any discriminatory practices prohibited by law in the employment of his or her professional and non-professional personnel and in the conduct of his or her business.
[16.44.7.8 NMAC - Rp, 16.44.7.8 NMAC, 9-30-16]

HISTORY OF 16.44.7 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

LAB 85-1, Rules and Regulations, 11-27-85;

LAB 85-1, Rules and Regulations, 12-02-85;

LAB 89-1, Rules and Regulations, 05-05-89;

Rule 4, NMBLA, Registration, 07-08-92

History of Repealed Material:

16 NMAC 44.7, Code of Professional Conduct - Repealed 10-05-02

16.44.7 NMAC, Code of Professional Conduct, filed 9-5-2002 - Repealed effective 09-30-16.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 44 LANDSCAPE ARCHITECTS
PART 8 FEES

16.44.8.1 ISSUING AGENCY: New Mexico Board of Landscape Architects, P.O. Box 25101, Santa Fe, NM 87504. [16.44.8.1 NMAC - Rp, 16.44.8.1 NMAC, 9-30-16]

16.44.8.2 SCOPE: The provisions of 16.44.8 NMAC apply to all applicants for, registration or certification, annual renewal for licensees and anyone who requests a mailing list of licensees or copies of public records. [16.44.8.2 NMAC - Rp, 16.44.8.2 NMAC, 9-30-16]

16.44.8.3 STATUTORY AUTHORITY: This part is adopted pursuant to the Landscape Architects Act, Section 61-24B11 NMSA 1978. [16.44.8.3 NMAC - Rp, 16.44.8.3 NMAC, 9-30-16]

16.44.8.4 DURATION: Permanent. [16.44.8.4 NMAC - Rp, 16.44.8.4 NMAC, 9-30-16]

16.44.8.5 EFFECTIVE DATE: September 30, 2016, unless a later date is cited at the end of a section. [16.44.8.5 NMAC - Rp, 16.44.8.5 NMAC, 9-30-16]

16.44.8.6 OBJECTIVE: The objective of 16.44.8 NMAC is to establish fees to generate revenue adequate to fund the cost of program administration. [16.44.8.6 NMAC - Rp, 16.44.8.6 NMAC, 9-30-16]

16.44.8.7 DEFINITIONS: (Refer to Part 1).

16.44.8.8 FEES:

A. The following is a schedule of fees to be paid by applicant or licensee. All fees are non-refundable:

(1)	Application for licensure	\$ 75.00
(2)	Initial registration for landscape architects	\$200.00
(3)	Initial certification for landscape architects in training	\$150.00
(4)	Annual renewal for landscape architects	\$200.00
(5)	Annual renewal for landscape architects in training	\$150.00
(6)	Duplicate of original certificate	\$35.00
(7)	Replacement certificate, new name	\$35.00
(8)	Mailing list	\$100.00
(9)	Mailing labels	\$125.00
(10)	Verification of registration or certification	\$10.00
(11)	Score verification	as required by CLARB
(12)	L.A.R.E.	as required by CLARB
(13)	Inactive status fee	\$100.00
(14)	Reactivation of licensure from inactive status	\$200.00
(15)	Copying cost per 8 ½" x 11" page	\$.30
(16)	Reinstatement of suspended license: Current renewal fees and late fees as assessed	

B. Late fees:

(1) If the renewal application is not received or postmarked by June 30, a late fee of \$100.00 is assessed. If the renewal application is not received or postmarked by August 31, an additional late fee of \$100.00 for a total of \$200.00 is assessed.

(2) A late fee will be assessed if the renewal fee, renewal form, and, when applicable, complete continuing professional education (CPE) requirements are not received by the board administrator or post marked by June 30.

(3) If a registrant is approved under an exemption as described in Paragraph (2) and (3) of Subsection C of 16.44.5.9 NMAC, a late fee will not be assessed. [16.44.8.8 NMAC - Rp 16.44.4.8 NMAC, 9-30-16]

HISTORY OF 16.44.8 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

LAB 85-1, Rules and Regulations filed 11-27-85; LAB 85-1, Rules and Regulations filed 12-02-85;
LAB 89-1, Rules and Regulations filed 05-05-89; Rule 7 NMBLA, Fees filed 07-08-92.

History of Repealed Material:

16 NMAC 44.4, Fees - Repealed 10-09-02
16.44.8 NMAC, Fees, filed 9-5-2002 - Repealed effective 9-30-16.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 44 LANDSCAPE ARCHITECTS
PART 9 COMPLAINTS

16.44.9.1 ISSUING AGENCY: New Mexico Board of Landscape Architects, P.O. Box 25101, Santa Fe, NM 87504. [16.44.9.1 NMAC – Rp, 16 44.9.1 NMAC, 9-30-16]

16.44.9.2 SCOPE: The provisions of 16.44.9 NMAC apply to all licensees and applicants for such registration or certification licensure. These provisions may also be of interest to anyone who may wish to file a complaint against a licensee of this board. [16.44.9.2 NMAC – Rp, 16 44.9.2 NMAC, 9-30-16]

16.44.9.3 STATUTORY AUTHORITY: This part is adopted pursuant to Landscape and Architects Act, Sections 61-24B12, and Section 61-24B16 NMSA 1978. [16.44.9.3 NMAC – Rp, 16 44.9.3 NMAC, 9-30-16]

16.44.9.4 DURATION: Permanent. [16.44.9.4 NMAC – Rp, 16 44.9.4 NMAC, 9-30-16]

16.44.9.5 EFFECTIVE DATE: September 30, 2016, unless a later date is cited at the end of a section. [16.44.9.5 NMAC - Rp 16 44.9.5 NMAC, 9-30-16]

16.44.9.6 OBJECTIVE: The objective of 16.44.9 NMAC is to establish the procedures for filing complaints against a licensee, the authority of the board regarding grounds for denial, suspension, or revocation of a license. [16.44.9.6 NMAC – Rp, 16 44.9.6 NMAC, 9-30-16]

16.44.9.7 DEFINITIONS: (Refer to Part 1)

16.44.9.8 COMPLAINT PROCEDURES:

A. Inquiries regarding filing of complaints.

(1) Inquiries made to the board or to a board member regarding a potential complaint will be referred to the board administrator for a response.

(2) Upon receipt of an inquiry, the board administrator shall forward to the potential complainant a statement regarding the board's jurisdiction, the conduct or grounds for possible action by the board against a licensee or applicant, and a complaint form with instructions on how to file the complaint. Complaints shall be submitted in writing on the prescribed form, signed and notarized, and state the facts upon which the complaint is based.

B. Procedures for processing complaints. The board administrator shall:

(1) log in the date of receipt of the complaint;

(2) determine that the subject of the complaint is a registered landscape architect, a certified landscape architect in training or an applicant or person otherwise within the jurisdiction of the board;

(3) assign a complaint number and set up an individual file; complaint numbering shall begin in January of each year;

(4) forward the complaint to the chair of the complaint committee and the complaint manager or a designee;

(5) send a letter to the complainant confirming receipt of the complaint.

C. Review by the complaint committee.

(1) The chairperson of the board shall appoint a board member to chair the complaint committee. The complaint committee shall consist of at least one member of the board.

(2) The complaint manager, if assigned, or designee will review the complaint and meet with the administrative prosecutor and complaint committee chair as needed.

(3) If the allegations in the complaint would, if substantiated, constitute grounds for disciplinary action, the complaint committee will recommend a course of action regarding investigation of the complaint.

(4) The complaint committee shall oversee the investigation of the complaint. A case summary including the alleged violations of the code of conduct or other parts of the regulations or act will be presented to the full board along with recommendation(s) for disposition of the complaint. The identity of the licensee or applicant and the complainant will not be disclosed to the full board by the complaint committee.

(5) Unless the complaint committee determines that it will impede an investigation or interfere with the acquisition of documents or relevant papers or the development of the case, the complaint committee shall inform the licensee or applicant of the complaint and request a response to the allegations. Disclosure of data, communications, and information relating to actual or potential disciplinary action shall be made in accordance with Section 61-1-11 NMSA 1978 or superseding statute.

(6) The complaint committee may employ experts, consultants, or private investigators to assist in investigations of complaints.

(7) The complaint committee, on behalf of the board, may issue investigative subpoenas, pursuant to Subsection A of Section 61-1-4 NMSA 1978.

D. Review by the full board.

(1) Any board member or any member of the complaint committee who is partial or who believes he or she is not capable of judging a particular controversy fairly on the basis of its own circumstances shall not participate in the decision whether to issue a notice of contemplated action and shall not participate in the hearing, deliberation, or decision of the board.

(2) The board shall review the case summary presented by the complaint committee, relevant documents, witness statements, and other pertinent information regarding the complaint. If the board has sufficient evidence that a violation may have occurred, the board shall forward the evidence to the administrative prosecutor for issuance of a notice of contemplated action.

(3) Following the issuance of a notice of contemplated action, the board may at its option authorize a board member, the hearing officer, or the administrative prosecutor to confer with the applicant or the licensee for the purpose of settlement of the complaint. Such settlement must be approved by the board, must be with the consent of the applicant or licensee, and shall include a knowing and intentional waiver by the applicant or the licensee of his or her rights to hearing under the Uniform Licensing Act.

(4) The board may refer a complaint to the attorney general for injunctive proceedings or to the district attorney for criminal prosecution. [16.44.9.8 NMAC – Rp, 16 44.9.8 NMAC, 9-30-16]

16.44.9.9 ADJUDICATORY PROCEEDINGS:

A. General provisions and pre-hearing and preliminary matters.

(1) All hearings shall be conducted either by the board or, at the election of the board, by a hearing officer.

(2) If the board appoints a hearing officer, the hearing officer shall have authority to decide pre-hearing matters, preside over the hearing, and direct post-hearing matters in accordance with the requirements of the case in a manner that ensures an efficient and orderly hearing and expedites the final resolution of the case. Except as otherwise limited in this part, the hearing officer shall have the authority to rule on all non-dispositive motions. If the board does not appoint a hearing officer or if the hearing officer is unavailable or unable to proceed, the board chair or other board member designated by the board shall have the authority to decide pre-hearing or preliminary matters on behalf of the board. This authority shall be in accordance with the requirements of the case in a manner that ensures an efficient and orderly hearing and expedites the final resolution of the case, including, without limitation:

(a) unopposed or stipulated motions to change venue;

(b) motions for continuance of a hearing date; a motion to vacate the hearing must contain a statement that the licensee or applicant waives his or her right to a hearing held not more than 60 days from the date of service of the notice of hearing;

(c) the granting of one notice of preemptory excusal to each party if the notice is timely and if the preemptory excusal does not result in a loss of a quorum of the board; and

(d) motions regarding discovery.

(3) The original of any papers and pleadings shall be filed with the board. Copies shall be sent to the hearing officer and attorneys or parties of record.

(4) The hearing officer or designated board member shall issue appropriate orders to control the course of the proceedings.

(5) Consistent with provisions of the Uniform Licensing Act and to the extent practicable, the rules of civil procedure for the district courts shall apply unless the hearing officer or designated board member orders otherwise.

(6) A request for an order shall be a made by motion filed with the board. Except for motions made during the course of the hearing, a motion shall be in writing. A motion shall state with particularity the grounds for the motion and shall set forth the relief and order sought.

(7) A motion shall be accompanied by a memorandum brief in support of the motion. The brief shall state with particularity the grounds for the motion and shall contain citation to authorities, statutes, and references to the pleadings on file. If matters outside of the pleadings are considered, a copy of the referenced material shall be attached to the brief.

(8) The hearing officer or the designated board member may order the filing of briefs or other documents and may set oral argument on any matter.

(9) No more than two continuances of the hearing date will be granted without the approval of the board for good cause shown.

(10) All dispositive motions shall be decided by the board.

(11) No proposed settlement, consent agreement, voluntary surrender of a license in lieu of prosecution, or other proposal for the resolution of a pending disciplinary case shall be effective unless approved by the board and executed by the board and the licensee or applicant. The board or hearing officer may seek information from the administrative prosecutor and the licensee or applicant concerning circumstances of the case relevant to a

consideration of the proposed settlement or clarification of the proposed terms and conditions. No board member is presumed to be biased and shall not be excused based solely on the reason that the member considered a proposed settlement, consent agreement, or other proposal for the resolution of a pending disciplinary case. The board may submit a counterproposal for the settlement or resolution of the case.

(12) Any proposed settlement, consent agreement, voluntary surrender of a license in lieu of prosecution, or other proposal for the resolution of a pending disciplinary case shall contain at least the following:

(a) an admission of all jurisdictional facts; an acknowledgment of the rights contained in the Uniform Licensing Act and an express waiver of those rights and of all rights to hearing and judicial review or any other opportunity to contest the validity of the board order in any other proceeding or forum;

(b) a provision that the proposal resolves only the violations alleged in the specific notice of contemplated action and a statement that the board reserves the right to initiate other proceedings for any other violations of the act or board regulations;

(c) a description of the facts underlying each alleged violation;

(d) if appropriate, a list of the acts or practices from which the licensee or applicant will refrain in the future;

(e) a statement of the type, terms, and conditions of the proposed disciplinary action of the board;

(f) a statement that the licensee will be responsible for all costs of disciplinary proceedings or a statement setting forth the reason why the licensee should be excused from paying costs; the affidavit of the board administrator concerning the costs incurred to date shall accompany the proposal;

(g) a statement that the decision and order of the board shall be a public record and shall be reported as required by law; and

(h) other provisions necessary to ensure the complete and final resolution of the proceedings.

(13) A proposal to settle a matter shall not stay the proceedings or vacate the hearing date unless otherwise ordered by the hearing officer or presiding officer upon the filing of a timely motion.

B. Duties of the board administrator. The board administrator shall:

(1) after consultation with the board or hearing officer, issue a notice of hearing stating the date, time, and place of the hearing;

(2) execute on behalf of the hearing officer or board notices, scheduling orders, subpoenas, and subpoenas duces tecum, and other routine procedural documents that facilitate the efficient conduct of adjudicatory proceedings;

(3) maintain the official record of all papers and pleadings filed with the board in any matter;

(4) prepare an affidavit as to costs of any disciplinary proceeding at the conclusion of any hearing or upon request by a party submitting a proposed settlement, consent agreement, or voluntary surrender of a license in lieu of prosecution;

(5) prepare, certify, and file with the district court the record of the case on appeal or review;

(6) unless the board orders otherwise, have the authority to sign the decision of the board to grant or refuse a request to reopen the case.

C. Conduct of hearings.

(1) The hearing officer, or presiding officer if the case is heard by the board, shall ensure the fair, efficient, and orderly conduct of the hearing in accordance with the Uniform Licensing Act.

(2) Unless the board orders otherwise, a board member hearing officer, the board chair, or presiding officer shall have the authority to sign the written decision of the board.

(3) The board administrator shall serve the decision of the board on the licensee or applicant in accordance with law.

(4) A motion for an order staying the operation of a board decision shall be decided by the board.

[16.44.9.9 NMAC – Rp, 16 44.9.9 NMAC, 9-30-16]

16.44.9.10 SURRENDER OF LICENSE:

A. If a license is suspended or revoked by the board for any reason specified in the rules and regulations of the board or in the act, the licensee shall immediately surrender his or her license in person or by registered mail to the board.

B. If the licensee's scope of practice is restricted or limited or otherwise subject to conditions, the license may reflect the restriction, limitations, or condition. [16.44.9.10 NMAC – Rp, 16 44.9.10 NMAC, 09-30-16]

HISTORY OF 16.44.9 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

LAB 85-1, Rules and Regulations filed 11-27-85; LAB 85-1, Rules and Regulations filed 12-02-85;

LAB 89-1, Rules and Regulations filed 05-05-89; Rule 5 NMBLA, Complaints filed 07-08-92;
Rule 6, NMBLA, Denial, Suspension, Revocation filed 07-08-92.

History of Repealed Material:

16 NMAC 44.3, Complaints - Repealed 10-05-02.

16.44.9 NMAC, Complaints filed 9-5-2002 - Repealed effective 9-30-16.

ARTICLE 24B

Landscape Architects

Section		
61-24B-1	Short title. (Repealed effective July 1, 2020.)	Pg. 27
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61-24B -4	Registration required. (Repealed effective July 1, 2020.)	
61-24B -5	Exemptions. (Repealed effective July 1, 2020.)	
61-24B -6	Board created; members; qualifications; terms; vacancies; removal. (Repealed effective July 1, 2020.)	
61-24B -7	Board powers and duties. (Repealed effective July 1, 2020.)	Pg. 28
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61-24B -9	Registration of landscape architects; examinations; exemptions. (Repealed effective July 1, 2020.)	
61-24B-9.1	Inactive status. (Repealed effective July 1, 2020.)	
61-24B-9.2	Certification as landscape architect in training; examination. (Repealed effective July 1, 2020.)	
61-24B -10	Other licensing provisions. (Repealed effective July 1, 2020.)	Pg. 30
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61-24B -14	Landscape architects fund created; disposition; method of payment. (Repealed effective July 1, 2020.)	
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61-24B -16	Enforcement. (Repealed effective July 1, 2020.)	
61-24B -17	Termination of agency life. Delayed repeal.	

61-24B-1. Short title. (Repealed effective July 1, 2020.)

[Chapter 61, Article 24B](#) NMSA 1978 may be cited as the "Landscape Architects Act".

History: Laws 1985, ch. 151, § 1; 1998, ch. 23, § 1.

61-24B-2. Purpose of act. (Repealed effective July 1, 2020.)

The purpose of the Landscape Architects Act [[61-24B-1](#) to [61-24B-17](#) NMSA 1978] is to ensure public safety and to promote quality performance by registration of landscape architects.

History: Laws 1985, ch. 151, § 2.

61-24B-3. Definitions. (Repealed effective July 1, 2020.)

As used in the Landscape Architects Act [[61-24B-1](#) NMSA 1978]:

- A. "board" means the board of landscape architects;
- B. "general administration of a construction contract" means the interpretation of drawings and specifications, the establishment of standards of acceptable workmanship and the periodic observation of construction to facilitate consistency with the general intent of the construction documents;
- C. "landscape architect" means an individual registered under the Landscape Architects Act to practice landscape architecture;
- D. "landscape architect in training" means an individual certified under the Landscape Architects Act who is actively pursuing completion of the requirements for licensure pursuant to that act; and
- E. "landscape architecture" means the art, profession or science of designing land improvements, including consultation, investigation, research, design, preparation of drawings and specifications and general administration of contracts. Nothing contained in this definition shall be construed as authorizing a landscape architect to engage in the practice of architecture, engineering or land surveying as defined by Chapter 61, Articles 15 and 23 NMSA 1978.

History: Laws 1985, ch. 151, § 3; 2001, ch. 155, § 1; 2007, ch. 126, § 1.

61-24B-4. Registration required. (Repealed effective July 1, 2020.)

No person shall practice landscape architecture or represent himself as a landscape architect unless he has a certificate of registration issued pursuant to the Landscape Architects Act [[Chapter 61, Article 24B](#) NMSA 1978].

History: Laws 1985, ch. 151, § 4; 2001, ch. 155, § 2.

61-24B-5. Exemptions. (Repealed effective July 1, 2020.)

A. The following shall be exempt from the provisions of the Landscape Architects Act [[61-24B-1](#) NMSA 1978] as long as they do not hold themselves out as landscape architects or use the term "landscape architect" without being registered pursuant to the Landscape Architects Act:

- (1) landscape architects who are not legal residents of or who have no established place of business in this state who are acting as consulting associates of a landscape architect registered under the provisions of the Landscape Architects Act; provided that the nonresident landscape architect meets equivalent registration qualifications in the landscape architect's own state or country;
- (2) landscape architects acting solely as officers or employees of the United States; and
- (3) a person making plans for a landscape associated with a single-family residence or a multifamily residential complex of four units or less except when it is part of a larger complex.

B. Nothing in the Landscape Architects Act is intended to limit, interfere with or prevent a professional architect, engineer or land surveyor from engaging in landscape architecture within the limits of the architect's, engineer's or land surveyor's licensure.

C. Nothing in the Landscape Architects Act is intended to limit, interfere with or prevent the landscape architects in training, drafters, students, clerks or superintendents and other employees of registered landscape architects from acting under the instructions, control or supervision of the landscape architect or to prevent the employment of superintendents on the construction, enlargement or alterations of landscape improvements or any appurtenances thereto or to prevent such superintendents from acting under the immediate personal supervision of landscape architects by whom the plans and specifications of any landscape architectural services were prepared.

History: Laws 1985, ch. 151, § 5; 1999, ch. 272, § 31; 2001, ch. 155, § 3; 2007, ch. 126, § 2.

61-24B-6. Board created; members; qualifications; terms; vacancies; removal. (Repealed effective July 1, 2020.)

A. The "board of landscape architects" is created. The board is administratively attached to the regulation and licensing department. The board shall consist of five members, three of whom shall be landscape architects. The landscape architect members shall have been registered as landscape architects for at least five years. The two public

members shall represent the public and shall not have been licensed as landscape architects or have any significant financial interest, direct or indirect, in the occupation regulated.

B. The members of the board shall be appointed by the governor for staggered terms of three years, and appointments shall be made in a manner that the terms of board members expire on June 30. The landscape architect members of the board shall be appointed from lists submitted to the governor by the New Mexico chapter of the American society of landscape architects. A vacancy shall be filled by appointment by the governor for the unexpired term and shall be filled by persons having similar qualifications to those of the member being replaced. Board members shall serve until their successors have been appointed and qualified.

C. The board shall meet within sixty days of the beginning of a fiscal year and elect from its membership a chairman and vice chairman. The board shall meet at other times as it deems necessary or advisable or as deemed necessary and advisable by the chairman or a majority of its members or the governor, but in no event less than twice a year. Reasonable notice of all meetings shall be given in the manner prescribed by the board. A majority of the board shall constitute a quorum at any meeting or hearing.

D. The governor may remove a member from the board for neglect of a duty required by law, for incompetence, for improper or unprofessional conduct as defined by board rule or for any reason that would justify the suspension or revocation of his registration to practice landscape architecture.

E. A board member shall not serve more than two consecutive full terms, and a member failing to attend, after proper notice, three consecutive meetings shall automatically be removed as a board member, unless excused for reasons set forth in board rules.

F. Members of the board shall be reimbursed as provided in the Per Diem and Mileage Act [[10-8-1](#) to [10-8-8](#) NMSA 1978] and shall receive no other compensation, perquisite or allowance.

History: Laws 1985, ch. 151, § 6; 1991, ch. 189, § 23; 2001, ch. 155, § 4; 2003, ch. 408, § 24.

61-24B-7. Board; powers and duties. (Repealed effective July 1, 2020.)

The board shall:

A. promulgate rules necessary to effectuate the provisions of the Landscape Architects Act [[61-24B-1](#) NMSA 1978];

B. provide for the examination, registration and re-registration of applicants;

C. adopt and use a seal;

D. administer oaths and take testimony on matters within the board's jurisdiction;

E. grant, deny, renew, suspend or revoke certificates of registration to practice landscape architecture in accordance with the provisions of the Uniform Licensing Act [[61-1-1](#) NMSA 1978] for any cause stated in the Landscape Architects Act;

F. grant, deny, renew, suspend or revoke landscape architect in training certificates in accordance with the provisions of the Uniform Licensing Act for any cause stated in the Landscape Architects Act;

G. conduct hearings upon charges relating to discipline of a registrant or the denial, suspension or revocation of a certificate of registration; and

H. in cooperation with the state board of examiners for architects and the state board of licensure for professional engineers and surveyors, create a joint standing committee to be known as the "joint practice committee" to safeguard life, health and property and to promote the public welfare. The committee shall promote and develop the highest professional standards in design, planning and construction and the resolution of ambiguities concerning the professions. The composition of this committee and its powers and duties shall be in accordance with identical resolutions adopted by each board.

History: Laws 1985, ch. 151, § 7; 1987, ch. 301, § 4; 2001, ch. 155, § 5; 2003, ch. 408, § 25; 2007, ch. 126, § 3.

61-24B-8. Qualifications for registration. (Repealed effective July 1, 2020.)

A person desiring to become registered as a landscape architect shall make application to the board on a written form and in such manner as the board prescribes, pay all required application fees and certify and furnish evidence to the board that the applicant:

A. has graduated from an accredited program in landscape architecture at a school, college or university and has a minimum of two years of practical experience acceptable to the board, at least one year of which shall be under the supervision of a landscape architect;

B. has graduated from a nonaccredited program of landscape architecture at a school, college or university offering a minimum four-year bachelor's degree curriculum or a minimum two-year master's degree curriculum and has a minimum of four years of practical experience acceptable to the board, at least one year of which shall be under the supervision of a landscape architect;

C. has graduated from a program in a field related to landscape architecture at a school, college or university offering a minimum four-year bachelor's degree curriculum or a minimum two-year master's degree curriculum and has a minimum of five years of practical experience acceptable to the board, at least one year of which shall be under the supervision of a landscape architect; or

D. has a minimum of ten years of practical experience in landscape architectural work that is acceptable to the board, at least one year of which shall be under the supervision of a landscape architect, provided that:

(1) each satisfactorily completed year of study in an accredited program of landscape architecture may be accepted in lieu of one year of practical experience required under this subsection; or

(2) a baccalaureate degree from a school, college or university may be accepted in lieu of two years of practical experience required under this subsection.

History: Laws 1985, ch. 151, § 8; 2001, ch. 155, § 6; 2007, ch. 126, § 4.

61-24B-8.1. Qualifications for certification as landscape architect in training. (Repealed effective July 1, 2020.)

A person desiring to be certified as a landscape architect in training shall make application to the board on a written form and in such manner as the board prescribes, pay all required application fees and certify and furnish evidence to the board that the applicant has practical experience in landscape architectural work acceptable to the board and has:

A. graduated from an accredited program in landscape architecture at a school, college or university;

B. graduated from a non-accredited program of landscape architecture at a school, college or university offering a minimum four-year bachelor's degree curriculum or a minimum two-year master's degree curriculum; or

C. graduated from a program related to landscape architecture at a school, college or university offering a minimum four-year bachelor's degree curriculum or a minimum two-year master's degree curriculum.

History: Laws 2007, ch. 126, § 5.

61-24B-9. Registration of landscape architects; examinations; exemptions. (Repealed effective July 1, 2020.)

A. Applicants for certificates of registration shall be required to pass the board's examination for landscape architects. An applicant who passes the examination may be issued a certificate of registration to practice as a landscape architect.

B. The board shall conduct examinations of applicants for certificates of registration as landscape architects at least once each year. The examination shall determine the ability of the applicant to use and understand the theory and practice of landscape architecture and may be divided into such subjects as the board deems necessary.

C. An applicant who fails to pass the examination may reapply for the examination if the applicant complies with the rules established by the board.

D. The board may issue a certificate to practice as a landscape architect without an examination to an applicant who holds a current certificate of registration or license as a landscape architect issued by another state if the standards of the other state are as stringent as those established by the board and if the applicant meets the qualifications required of a landscape architect in this state.

History: Laws 1985, ch. 151, § 9; 2001, ch. 155, § 7.

61-24B-9.1. Inactive status. (Repealed effective July 1, 2020.)

A certificate of registration in good standing may be transferred to inactive status upon written request to the board and payment of an annual inactive status fee set by the board. The request shall be made prior to expiration of the certificate of registration. The registrant shall not practice in New Mexico during the time the certificate of registration is inactive. A registrant may reactivate his certificate of registration upon submission of a renewal form provided by the board, the payment of the annual renewal fee for the current year, proof of continuing education units for the period of inactive status and any additional proof of competency required by the board.

History: Laws 1998, ch. 23, § 2.

61-24B-9.2. Certification as landscape architect in training; examination. (Repealed effective July 1, 2020.)

A. Applicants for certification as a landscape architect in training shall be required to pass the board's examination for landscape architect in training. An applicant who passes the examination may be issued a certificate as a landscape architect in training. The certification is intended to demonstrate that the applicant has obtained certain skills in landscape architecture fundamentals and is pursuing a career in landscape architecture.

B. The board shall conduct examinations of applicants for certification as landscape architects in training at least once each year. The examination shall determine the ability of the applicant to use and understand the theory and practice of landscape architecture and may be divided into such subjects as the board deems necessary.

C. An applicant who fails to pass the examination may reapply for the examination if the applicant complies with the rules established by the board.

D. Certification as a landscape architect in training is limited in duration in accordance with the rules established by the board.

History: Laws 2007, ch. 126, § 6.

61-24B-10. Other licensing provisions. (Repealed effective July 1, 2020.)

A. The board may adopt rules and regulations for continuing education requirements which shall be completed as a condition for renewal of any certificate of registration under the Landscape Architects Act [this article].

B. Each registered landscape architect may obtain the seal authorized by the board, bearing the registrant's name and the legend "Registered Landscape Architect - State of New Mexico". All plans, specifications and reports issued by a registrant shall be stamped with his seal.

History: Laws 1985, ch. 151, § 10.

61-24B-11. Fees. (Repealed effective July 1, 2020.)

The board shall establish a schedule of reasonable fees for applications, certificates of registration, certificates as a landscape architect in training, temporary permits, re-registration, inactive status and late registration renewal as follows:

A. the initial application fee shall be set in an amount not to exceed one hundred dollars (\$100);

B. the initial certificate of registration fee shall be set in an amount not to exceed three hundred dollars (\$300);

C. the certificate of registration renewal fee shall be set in an amount not to exceed four hundred dollars (\$400);

D. the initial and the renewal fee for landscape architect in training certification shall be set in an amount not to exceed two hundred dollars (\$200);

E. the annual inactive status fee shall be set at one-half the renewal fee for the year; and

F. the late fee for registration renewal shall be set at an amount not to exceed twice the renewal fee.

History: Laws 1985, ch. 151, § 11; 1998, ch. 23, § 3; 2007, ch. 126, § 7.

61-24B-12. Denial, suspension, revocation and reinstatement of certificate of registration. (Repealed effective July 1, 2020.)

A. The board may refuse to issue or may deny, suspend or revoke any certificate of registration held or applied for under the Landscape Architects Act [this article] in accordance with the procedures set forth in the Uniform Licensing Act [[61-1-1](#) NMSA 1978] upon grounds that the registrant or applicant:

(1) is guilty of fraud or misrepresentation in the procurement of a certificate of registration;

(2) is subject to the imposition of any disciplinary action by another state which regulates landscape architects, but not to exceed the period or extent of that action;

(3) is grossly negligent or incompetent in his practice as a landscape architect;

(4) has failed to maintain registration as a landscape architect;

(5) has violated or aided or abetted any person to violate any of the provisions of the Landscape Architects Act or any rules or regulations duly adopted under that act; or

(6) has engaged in unprofessional conduct.

B. The board may modify any order of revocation, suspension or refusal to issue a certificate of registration and has the discretion to require an examination for any such modification.

History: Laws 1985, ch. 151, § 12.

61-24B-13. Criminal offender's character evaluation. (Repealed effective July 1, 2020.)

The provisions of the Criminal Offender Employment Act [[28-2-1](#) NMSA 1978] shall govern any consideration of criminal records required or permitted by the Landscape Architects Act [[61-24B-1](#) NMSA 1978].

History: Laws 1985, ch. 151, § 13.

61-24B-14. Landscape architects fund created; disposition; method of payment. (Repealed effective July 1, 2020.)

A. There is created in the state treasury the "landscape architects fund".

B. All funds received by the board and money collected under the Landscape Architects Act [[61-24B-1](#) NMSA 1978] shall be deposited with the state treasurer, who shall place the money to the credit of the landscape architects fund.

C. All amounts paid into the landscape architects fund shall be subject to the order of the board and shall be used only for the purpose of implementing the provisions of the Landscape Architects Act. All money unexpended or

unencumbered at the end of the fiscal year shall remain in the landscape architects fund for use in accordance with the provisions of the Landscape Architects Act.

History: Laws 1985, ch. 151, § 14.

61-24B-15. Board; rules and regulations. (Repealed effective July 1, 2020.)

The board shall make rules and regulations necessary to implement the provisions of the Landscape Architects Act [[61-24B-1](#) NMSA 1978] in accordance with the provisions of the Uniform Licensing Act [[61-1-1](#) NMSA 1978].

History: Laws 1985, ch. 151, § 15.

61-24B-16. Enforcement. (Repealed effective July 1, 2020.)

A. Violation of any provision of the Landscape Architects Act [[61-24B-1](#) NMSA 1978] is a misdemeanor.

B. The board may bring civil action in any district court to enforce any of the provisions of the Landscape Architects Act.

History: Laws 1985, ch. 151, § 16.

61-24B-17. Termination of agency life; delayed repeal.

The board of landscape architects is terminated on July 1, 2019 pursuant to the Sunset Act [[12-9-11](#) to [12-9-21](#) NMSA 1978]. The board shall continue to operate according to the provisions of the Landscape Architects Act until July 1, 2020. Effective July 1, 2020, the Landscape Architects Act is repealed.

History: Laws 1985, ch. 151, § 18; 1991, ch. 189, § 24; 1997, ch. 46, § 18; 2005, ch. 208, § 17; 2013, ch. 166, § 5.