

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**F I N A L M I N U T E S**

MEETING OF:

**STATE BOARD OF LANDSCAPE ARCHITECTS**

TIME: 10:30 A.M.

Held at

**PENNSYLVANIA DEPARTMENT OF STATE**

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

March 28, 2024

State Board of Landscape Architects  
March 28, 2024

BOARD MEMBERS:

Arion R. Claggett, Acting Commissioner, Bureau of  
Professional and Occupational Affairs  
Dina Klavon, RLA, Chair, Professional Member  
Brett W. Mauser, Office of Attorney General, Bureau  
of Consumer Protection  
Richard P. Rauso, RLA, Professional Member  
Patrick A. West, RLA, Secretary, Professional Member

BUREAU PERSONNEL:

Shana M. Walter, Esquire, Acting Board Counsel  
Ray J. Michalowski, Esquire, Senior Board Prosecutor  
Angela L. Solomon, Esquire, Board Prosecutor  
Terrie Kocher, Board Administrator  
Deena Parmelee, Legal Office Administrator 1,  
Department of State  
Andrew LaFratte, MPA, Deputy Policy Director,  
Department of State  
Carlton Smith, Deputy Chief Counsel, Prosecution  
Division  
Brian Poeschl, Legal Extern, Department of State

ALSO PRESENT:

Cicely Elliott, Executive Director, Pennsylvania-  
Delaware Chapter, American Society of Landscape  
Architects  
Jacob Newman  
Rachel Wilbur-Adams, Sargent's Court Reporting  
Service, Inc.

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State Board of Landscape Architects

March 28, 2024

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[Pursuant to Section 708(a)(5) of the Sunshine Act, at 9:30 a.m. the Board entered into Executive Session with Shana M. Walter, Esquire, Senior Board Counsel, on behalf of Ashley B. Goshert, Esquire, Board Counsel, for the purpose of conducting quasi-judicial deliberations on a number of matters that are currently pending before the Board and to receive the advice of counsel. The Board returned to open session at 10:30 a.m.]

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The regularly scheduled meeting of the State Board of Landscape Architects was held on Thursday, March 28, 2024. Dina Klavon, RLA, Chair, Professional Member, called the meeting to order at 10:30 a.m.

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Roll Call of Board Members

[Terrie Kocher, Board Administrator, provided a roll call of Board members. A quorum was present.]

\*\*\*

Introduction of Attendees

1 [Terrie Kocher, Board Administrator, also provided an  
2 introduction of attendees.]

3 \*\*\*

4 [Shana M. Walter, Esquire, Senior Board Counsel,  
5 reminded everyone that the meeting was being  
6 recorded, and voluntary participation constituted  
7 consent to be recorded.]

8 \*\*\*

9 Approval of minutes of the November 16, 2023 meeting  
10 MS. WALTER:

11 Item 1 is the draft minutes from November  
12 16, 2023. I believe the Board Chair  
13 would entertain a motion to approve the  
14 minutes.

15 CHAIR KLAVON:

16 Do I have a motion to approve the  
17 November 16, 2023 meeting minutes?

18 ACTING COMMISSIONER CLAGGETT:

19 So moved.

20 MR. MAUSER:

21 Second.

22 MS. KOCHER:

23 Arion Claggett, aye; Dina Klavon, aye;  
24 Brett Mauser, aye; Richard Rauso, aye;  
25 Patrick West, aye.

1 [The motion carried unanimously.]

2 \*\*\*

3 Report of Board Prosecution - No Report

4 \*\*\*

5 Report of Board Counsel - Regulations

6 [Marc Farrell, Esquire, Regulatory Counsel, Office of  
7 Chief Counsel, Department of State, informed Board  
8 members of the recent restructuring of the counsel  
9 division. He reported Board Counsel now has three  
10 attorneys dedicated to regulation review and writing.  
11 Each board has been assigned its own regulatory  
12 counsel to establish continuity and to keep  
13 regulations flowing.

14 Mr. Farrell stated the Board currently has three  
15 open regulatory packages. He addressed the Licensure  
16 by Endorsement/Act 41 regulation, noting it received  
17 all of the internal departmental approvals and was on  
18 to the Governor's Office, where it will be reviewed  
19 by the Governor's Budget Office, Policy Office, and  
20 Office of General Counsel.

21 Mr. Farrell mentioned there will be a 30-day  
22 review after that by the Attorney General's Office,  
23 and then it will be delivered to the Independent  
24 Regulatory Review Commission (IRRC). He noted there  
25 was nothing else the Board could do at this point.

1       Mr. Farrell informed Board members that the  
2 Schedule of Civil Penalties is a Commissioner's  
3 Office regulation, and Deputy Chief Counsel Cindy  
4 Montgomery is handling those regulations.

5       Mr. Farrell addressed the General Revisions  
6 package. He stated the Board worked on the digital  
7 seals regulation, Act 41 regulation, and Act 53  
8 criminal conviction information regulation. He  
9 wanted to present a top to bottom revisions package  
10 to get it into the system and to make sure it has all  
11 of the changes previously discussed, noting the Board  
12 has already done two exposure drafts and received  
13 feedback from the public.

14                                       \*\*\*  
15 [The Board experienced technical difficulties at  
16 10:57 a.m.]

17                                       \*\*\*  
18 [Chair Klavon informed Mr. Farrell that Board members  
19 discussed changing the language for continuing  
20 education units (CEUs). She stated it currently  
21 reads a maximum of half of the required clock hours  
22 per biennium will be accepted in courses consisting  
23 of satellite seminars, electronic presentations, and  
24 correspondence courses.

25       Chair Klavon noted that the Board discussed

1 allowing in-person and live webinars to be part of  
2 the in-person 50% requirement to provide flexibility.

3 Mr. Farrell mentioned having the details of that  
4 discussion from a prior meeting but was not sure  
5 whether the Board wanted to include language in the  
6 ongoing General Revisions or pursue a separate  
7 regulation.

8 Mr. Farrell recommended including language in the  
9 General Revisions package for the Board's review at  
10 the next meeting. He noted the Board will have  
11 another chance to review the actual language for that  
12 change and all of the other revisions.

13 Chair Klavon asked whether language should be  
14 included under the sources of continuing education.  
15 She reported having a list of entities that have  
16 courses the Board approves but not all of them. She  
17 explained that some people think by taking an  
18 American Institute of Architects (AIA) course that it  
19 is approved, but the AIA course must be approved by  
20 the Landscape Architecture Continuing Education  
21 System (LA CES).

22 Mr. Rauso stated language should be added to  
23 clarify that it is related to professional landscape  
24 architecture, because architecture is a wider breadth  
25 of services than an architect would provide, but some

1 of those are not directly related to landscape  
2 architecture. He mentioned the language may not  
3 necessarily be just AIA, but a statement directing  
4 that the courses are from a preapproved provider  
5 related to professional landscape architecture.

6 Chair Klavon suggested inserting a statement in  
7 the introduction paragraph under sources of  
8 continuing education courses.

9 Mr. Farrell agreed, noting it covers all of the  
10 entities listed there afterwards. He informed Board  
11 members that he would provide the information for the  
12 Board's review prior to the next meeting in June  
13 2024.]

14 \*\*\*

15 Appointment - Annual Prosecution Division

16 Presentation

17 [Carlton Smith, Esquire, Deputy Chief Counsel,  
18 Prosecution Division, informed Board members that he  
19 assumed his role in March 2023 when Carolyn  
20 DeLaurentis was promoted to the Executive Deputy  
21 Chief Counsel position.

22 Mr. Smith reported a decrease in the number of  
23 Bureau of Professional and Occupational Affairs  
24 (BPOA) complaints processed across all boards from  
25 around 22,000 in 2022 to roughly 19,000 in 2023.



1       Mr. Smith presented the Prosecution Division's  
2 Annual Report for the State Board of Landscape  
3 Architects. He reported a little over 1,000 active  
4 licensees in 2023. He noted six cases were opened in  
5 2023. He also noted two open cases and six closed  
6 cases. He informed Board members that prosecution's  
7 standard is to dispose of a case within a year across  
8 all boards, noting the average days to close a case  
9 is around 105 days.

10       Mr. Smith reported four warning letters were  
11 issued in 2023, where prosecution considers the  
12 seriousness of the allegations, licensee disciplinary  
13 history, and strength of the evidence.

14       Mr. Smith addressed administrative closings,  
15 noting those to be cases opened by mistake and  
16 provided examples. He informed Board members that  
17 their licensees are largely compliant.]

18                               \*\*\*

19 Report of Acting Commissioner - No Report  
20 [Arion R. Claggett, Acting Commissioner, Bureau of  
21 Professional and Occupational Affairs, asked Mr.  
22 Rauso to provide information concerning the  
23 Department of Environmental Protection (DEP) item  
24 discussed previously.

25       Mr. Rauso stated the DEP issued stormwater

1 management guidelines in 2006 but neglected to  
2 mention landscape architects as being qualified to  
3 provide stormwater management plans and calculations,  
4 which was brought to the attention of the Board in  
5 2006. He noted the Pennsylvania State Board of  
6 Landscape Architects wrote a letter to DEP alerting  
7 them of the issue, and DEP sent a response letter  
8 agreeing with the position of the Board.

9 Mr. Rauso informed everyone that DEP updated the  
10 stormwater regulations in 2023. He noted the draft  
11 regulation was issued for comment, and the American  
12 Society of Landscape Architects received numerous  
13 comments from individual landscape architects  
14 registered to practice in the Commonwealth of  
15 Pennsylvania.

16 Mr. Rauso mentioned the comments were compiled,  
17 and a letter was sent to DEP indicating once again  
18 that landscape architects and landscape architecture  
19 was not listed as a professional service provider for  
20 stormwater management. He noted that the letter was  
21 sent from the American Society of Landscape  
22 Architects Pennsylvania-Delaware Chapter to DEP, but  
23 none of those comments were included when DEP issued  
24 their final manual.

25 Mr. Rauso requested the Board or Board Counsel to

1 contact DEP alerting them of this omittance and have  
2 it rectified.

3 Ms. Walter requested confirmation for public  
4 awareness that Mr. Rauso is referring to a DEP manual  
5 and not a regulation.

6 Mr. Rauso noted Ms. Walter to be correct, and the  
7 official name is the draft Technical Guidance  
8 Document also known as the *Pennsylvania Post-*  
9 *Construction Stormwater Management (PCSM)* Manual  
10 (386-0300-001).

11 Ms. Walter asked Mr. Rauso to provide information  
12 concerning how the manual is used in their day-to-day  
13 practice.

14 Mr. Rauso explained that the manual defines  
15 guidelines for both calculating and submitting  
16 stormwater management calculations. He stated it is  
17 directly related to landscape architecture, but  
18 landscape architect and landscape architecture is  
19 omitted from the manual as being qualified.

20 Mr. Rauso mentioned that reviewing agencies, such  
21 as DEP or any state or local agencies, municipal  
22 engineers or whomever is representing municipalities,  
23 may see a set of stormwater management calculations  
24 provided and sealed by a landscape architect but say  
25 that the landscape architects or landscape

1 architecture does not qualify to provide the  
2 calculations.

3 Mr. Rauso stated it directly impacts the  
4 profession of landscape architecture, and each  
5 individual landscape architect who provides those  
6 services by prohibiting them from being eligible to  
7 provide those services.

8 Acting Commissioner Claggett informed Mr. Rauso  
9 of the comments sent to Deputy Policy Director Andrew  
10 LaFratte asking him to reach out to his counterparts  
11 at DEP related to opening discussions to add the  
12 profession to the manual.

13 Mr. LaFratte thanked Acting Commissioner Claggett  
14 and Mr. Rauso, noting he would investigate this  
15 issue.

16 Mr. Rauso offered his assistance from the Board  
17 to define landscape architecture and referred to the  
18 Landscape Architects' Registration Law Act 535 of  
19 1965 Section 2(4), the practice of landscape  
20 architecture, where stormwater management is listed  
21 as a service that landscape architects provided.]

22 \*\*\*

23 Report of Board Chair - No Report

24 \*\*\*

25 Report of Board Administrator

1 MS. WALTER:

2 Pursuant to Section 708(a)(5), the Board  
3 entered into quasi-judicial deliberations  
4 at 9:30 a.m. to receive the advice of  
5 counsel and discuss items on the agenda  
6 at numbers 4 and 5.

7 I believe the Board would entertain  
8 a motion to grant the request for an  
9 extension to complete and submit 12 in-  
10 person CEU credits at number 4 on the  
11 agenda in association with the  
12 Reactivation Application of Mr. Weber.

13 CHAIR KLAVON:

14 Can we have a motion to approve, please?

15 ACTING COMMISSIONER CLAGGETT:

16 So moved.

17 MR. MAUSER:

18 Second.

19 MS. KOCHER:

20 Arion Claggett, aye; Dina Klavon, aye;  
21 Brett Mauser, aye; Richard Rauso, aye;  
22 Patrick West, aye.

23 [The motion carried unanimously. The deadline for  
24 Mr. Weber is May 10.]

25 \*\*\*

1 MS. WALTER:

2 Number 5 on the agenda is the request to  
3 accept specific CEU credits of Mr.  
4 Zielnicki.

5 I believe the Board would entertain  
6 a motion to accept the CEU credits  
7 provided by Mr. Zielnicki for  
8 Reactivation of his Application.

9 CHAIR KLAVON:

10 Can I have a motion to approve?

11 ACTING COMMISSIONER CLAGGETT:

12 So moved.

13 MR. MAUSER:

14 Second.

15 MS. KOCHER:

16 Arion Claggett, aye; Dina Klavon, aye;  
17 Brett Mauser, aye; Richard Rauso, aye;  
18 Patrick West, aye.

19 [The motion carried unanimously.]

20 \*\*\*

21 Adjournment

22 CHAIR KLAVON:

23 I make a motion to adjourn the meeting.

24 ACTING COMMISSIONER CLAGGETT:

25 So moved.

1 MR. MAUSER:

2 Second.

3 CHAIR KLAVON:

4 Adjourned. We'll see you June 14, 2024.

5 \*\*\*

6 [There being no further business, the State Board of  
7 Landscape Architects Meeting adjourned at 11:12 a.m.]

8 \*\*\*

9  
10 CERTIFICATE

11  
12 I hereby certify that the foregoing summary  
13 minutes of the State Board of Landscape Architects  
14 meeting, was reduced to writing by me or under my  
15 supervision, and that the minutes accurately  
16 summarize the substance of the State Board of  
17 Landscape Architects meeting.

18  
19  
20 

21 Rachel Wilbur-Adams,

22 Minute Clerk

23 Sargent's Court Reporting  
24 Service, Inc.

STATE BOARD OF LANDSCAPE ARCHITECTS  
REFERENCE INDEX

March 28, 2024

TIME

AGENDA

|       |   |
|-------|---|
| 9:30  | Executive Session   |
| 10:30 | Return to Open Session  |
| 10:32 | Official Call to Order  |
| 10:32 | Roll Call   |
| 10:32 | Introduction of Attendees   |
| 10:32 | Approval of Minutes   |
| 10:32 | Report of Prosecution   |
| 10:33 | Report of Board Counsel   |
| 10:54 | Appointment - Carlton Smith, Deputy<br>Chief Counsel, Annual Prosecution<br>Division Report |
| 10:58 | Report of Acting Commissioner   |
| 11:08 | Report of Board Administrator   |
| 11:12 | Adjournment   |