

ARTICLE 45 130
LANDSCAPE ARCHITECTS

12-45-101. 12-130-101.	Short title.
12-45-102 12-130-102.	Legislative declaration.
12-130-103.	<i>Applicability of common provisions.</i>
12-45-103 12-130-104.	Definitions.
12-45-104 12-130-105.	License required.
12-45-105 12-130-106.	Board - composition - appointments - terms.
12-45-106.	Immunity.
12-45-107 12-130-107.	Powers and duties of board - rules.
12-45-108	Management of fees and expenses of board.
12-45-109 12-130-108.	Records.
12-45-110 12-130-109.	Licensure - application - qualifications - rules.
12-45-111 12-130-110.	Fees.
12-45-112 12-130-111.	Professional liability.
12-45-113 12-130-112.	Grounds for disciplinary action.
12-45-114 12-130-113.	Disciplinary actions by board - procedures.
12-45-115 12-130-114.	Unauthorized practice - penalties.
12-45-116 12-130-115.	Judicial review.
12-45-117 12-130-116.	Landscape architect's stamp - rules.
12-45-118 12-130-117.	Exemptions.
12-45-119 12-130-118.	Architecture, engineering, and surveying.
12-45-120 12-130-119.	Repeal of article.

1 **12-130-101. [Formerly 12-45-101] Short title.** THE SHORT TITLE OF this article shall
2 be known and may be cited as **130** IS the "Landscape Architects Professional Licensing Act".
3

4 **12-130-102. [Formerly 12-45-102] Legislative declaration.** The general assembly
5 hereby finds and declares that the regulatory authority established in this article **130** is
6 necessary to safeguard the health, safety, and welfare of the people of Colorado by
7 preventing the improper design of public domain landscape infrastructure by unauthorized,
8 unqualified, and incompetent persons.
9

10 **12-130-103. Applicability of common provisions.** ARTICLES 1 AND 20 OF THIS
11 TITLE 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 130.
12

13 **12-130-104. [Formerly 12-45-103] Definitions.** As used in this article **130**, unless
14 the context otherwise requires:

1 (1) "Board" or "state board" means the state board of landscape architects, created
2 in section ~~12-45-105~~ **12-130-106**.

3 (2) "Director" means the director of the division of professions and occupations in
4 the department of regulatory agencies. <{Redundant with definitions common provision,
5 **12-20-102 (6)**}>

6 (3) "Division" means the division of professions and occupations in the department
7 of regulatory agencies. <{Redundant with definitions common provision, 12-20-102 (7)}>

8 (4) (2) "Habit-forming drug" means a drug or medicine required to be labeled under
9 section 25-5-415 C.R.S., or the "Federal Food, Drug, and Cosmetic Act", 21 U.S.C. sec. 301
10 et seq., as a habit-forming drug.

11 (5) (3) "Infrastructure" means elements of the public domain that support
12 developments such as roads, streets, parks, plazas, and other places that are not privately
13 owned and managed.

14 (6) (4) "Landscape architect" means a person who engages in the practice of
15 landscape architecture.

16 (7) (5) "Planning" "PLAN" means preparing TO PREPARE layouts and schemes for land
17 areas, infrastructure systems, facilities, or objects "Planning" AND includes technical
18 documentation. <{Since the word "planning" is not used, but the word "plan" is used in
19 subsection (6)(a)(I), we recommend modifying the defined term and definition to refer to
20 "plan".}>

21 (8) (6) (a) "Practice of landscape architecture" means:

22 (I) The application of landscape architectural higher education, training, and
23 experience as well as required mathematical, physical, and social science skills to consult,
24 evaluate, plan, and design projects and improvements principally directed at the functional
25 and aesthetic uses of land;

26 (II) Collaboration with architects and engineers during the design of public
27 infrastructure projects such as roads, bridges, buildings, and other structures, concerning the
28 functional and aesthetic requirements of the area and project site; or

29 (III) Assistance in the preparation and administration of construction documents,
30 contracts, and contract offers related to site landscape improvements.

31 (b) "Practice of landscape architecture" does not include acts exempted by section
32 ~~12-45-118~~ **12-130-117**.

33 (9) (7) "Substantial gift" means a gift, donation, or other consideration sufficient to
34 influence a person to act in a specific manner. The term does not include a gift of nominal
35 value such as reasonable entertainment or hospitality or an employer's reward to an
36 employee for work performed.

37 (10) (8) "Supervision" means the actions taken by a landscape architect in directing,

1 personally reviewing, correcting, or approving the work performed by an employee or
2 subcontractor of the landscape architect.

3
4 **12-130-105. [Formerly 12-45-104] License required.** On and after January 1, 2008,
5 a person shall not practice landscape architecture or represent himself or herself as a
6 landscape architect unless the person has a license issued by the board. A person licensed
7 by the board is entitled to use the stamp specified in section ~~12-45-117~~ **12-130-116**, which
8 shall constitute a professional credential attesting to the minimum competence of the
9 landscape architect.

10
11 **12-130-106. [Formerly 12-45-105] Board - composition - appointments - terms.**

12 (1) There is hereby created in the division the Colorado state board of landscape architects.
13 The board shall consist of five members who shall have the following qualifications:

14 (a) Three members shall:

15 (I) Be licensed landscape architects in Colorado; ~~or persons who are eligible to be~~
16 ~~licensed in Colorado as landscape architects at the time of the formation of the board;~~

17 <{***Based on feedback received, we are striking the above language as it is now obsolete.***}>

18 (II) Have at least three years of experience in the practice of landscape architecture;

19 and

20 (III) Be residents of the state of Colorado.

21 (b) (I) Two members shall:

22 (A) Not be licensed landscape architects nor practice landscape architecture in any
23 jurisdiction;

24 (B) Not have a current or prior significant personal or financial interest in the
25 practice of landscape architecture; and

26 (C) Be residents of the state of Colorado.

27 (II) Of the two members appointed pursuant to this ~~paragraph (b)~~ SUBSECTION (1)(b),
28 one member shall be a building or landscape contractor in Colorado.

29 (2) Appointments to the board shall be made by the governor and shall be made to
30 provide for staggering of terms of members so that not more than two members' terms expire
31 each year. Thereafter appointments shall be for terms of four years. Each board member
32 shall hold office until the expiration of the term for which the member is appointed or until
33 a successor has been duly appointed and qualified. Appointees shall be limited to two full
34 terms. The governor may remove a member of the board for misconduct, incompetence,
35 neglect of duty, or an act that would justify the revocation of the board member's license to
36 practice landscape architecture, if applicable.

37 (3) The board shall meet on or before August 30 of each year and elect from its

1 members a chair and vice-chair. The board shall meet at such other times as it deems
2 necessary, but not less than twice a year.

3
4 ~~**12-45-106. Immunity.** (1) A member of the board or the board's staff, a person
5 acting as a witness or consultant to the board, and a witness testifying in a proceeding
6 authorized under this article shall be immune from liability in a civil action for acts
7 occurring while acting in his or her capacity as a board member, member of the board's staff,
8 consultant, or witness if the person acting in good faith within the scope of his or her
9 respective capacity made a reasonable effort to obtain the facts of the matter as to which he
10 or she acted and acted with the reasonable belief that the action was warranted by the facts.~~

11 ~~(2) Any person participating in good faith in making a complaint or participating in
12 an investigation or administrative proceeding pursuant to this article shall be immune from
13 any civil or criminal liability that may result from such participation. <{Redundant with
14 immunity common provision, 12-20-402.}>~~

15
16 ~~**12-130-107. [Formerly 12-45-107] Powers and duties of board - rules.** (1) The
17 board shall have the following powers and duties:~~

18 ~~(a) To promulgate rules necessary to effectuate this article; <{Redundant with
19 general rule-making authority common provision, 12-20-204.}>~~

20 ~~(b) (a) To examine license applicants for qualifications;~~

21 ~~(c) (b) To review special cases as authorized in this article *130*;~~

22 ~~(d) (c) To grant the licenses of duly qualified applicants to practice landscape
23 architecture in accordance with this article *130*;~~

24 ~~(e) (I) To administer oaths, take affirmations of witnesses, and issue subpoenas to
25 compel the attendance of witnesses and the production of all relevant papers, books, records,
26 documentary evidence, and materials in any hearing, investigation, accusation, or other
27 matter coming before the board. The board may appoint an administrative law judge
28 pursuant to part 10 of article 30 of title 24, C.R.S., to perform the functions of this paragraph
29 (e) and to take evidence and to make findings and report them to the board.~~

30 ~~(H) Upon failure of any witness to comply with such subpoena or process, the district
31 court of the county in which the subpoenaed person or licensee resides or conducts business,
32 upon application by the board or director with notice to the subpoenaed person or licensee,
33 may issue to the person or licensee an order requiring that person or licensee to appear
34 before the director; to produce the relevant papers, books, records, documentary evidence,
35 or materials if so ordered; or to give evidence touching the matter under investigation or in
36 question. Failure to obey the order of the court may be punished by the court as a contempt
37 of court. <{Redundant with discipline/Subpoena powers common provision, 12-20-403.}>~~

1 (f) (d) To adopt and use a seal;

2 (g) (e) To conduct hearings in accordance with ~~section~~ SECTIONS 12-20-403 AND
3 24-4-105 C.R.S.; upon complaints concerning the conduct of landscape architects; ~~except~~
4 ~~that the board may appoint an administrative law judge pursuant to part 10 of article 30 of~~
5 ~~title 24, C.R.S., to conduct such hearings;~~ <{Redundant with disciplinary procedures
6 common provision, 12-20-403.}>

7 (h) (f) To refer for prosecution by the district attorney or the attorney general persons
8 violating this article *130*;

9 (i) (g) To require a licensed landscape architect to have a stamp as prescribed by the
10 board; and

11 (j) (h) To ~~deny the issuance or renewal of, suspend for a specified period, or revoke~~
12 ~~a license; issue a letter of admonition to~~ TAKE DISCIPLINARY OR OTHER ACTION AS
13 AUTHORIZED IN SECTION 12-20-404 or censure ~~or place on probation~~ any person who, while
14 holding a landscape architect license, violates any provision of this article *130*; ~~issue~~
15 ~~confidential letters of concern;~~ issue cease-and-desist orders UNDER THE CIRCUMSTANCES
16 AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405; or impose
17 other conditions or limitations on a licensee. <{Redundant with disciplinary actions
18 common provision, 12-20-404, and cease-and-desist orders common provision,
19 12-20-405.}>

20
21 ~~**12-45-108. Management of fees and expenses of board.**~~ (1) ~~Fees collected~~
22 ~~pursuant to section 12-45-111 shall be transmitted to the state treasurer, who shall credit the~~
23 ~~same in accordance with section 24-34-105, C.R.S. The general assembly shall make annual~~
24 ~~appropriations pursuant to said section for the expenditures of the board.~~ <{Redundant with
25 fees common provision, 12-20-105.}>

26 (2) ~~The board may employ such technical, clerical, investigative, or other assistance~~
27 ~~necessary for the proper performance of the board's duties, subject to the provisions of~~
28 ~~section 13 of article XII of the state constitution, and may make expenditures that are~~
29 ~~necessary for the proper performance of the board's duties under this article.~~ <{Redundant
30 with employment of staff common provision, 12-20-103 (4)}>

31
32 **12-130-108. [Formerly 12-45-109] Records.** (1) The board shall keep a record of
33 its proceedings, a register of all applications for licensing, and other information deemed
34 necessary by the board.

35 (2) The records of the board shall be public records pursuant to article 72 of title 24.
36 C.R.S. Copies of records and papers of the board or the department of regulatory agencies
37 concerning the administration of this article *130*, when certified and authenticated by seal,

1 shall be received by a court in the same manner as original documents.
2

3 **12-130-109. [Formerly 12-45-110] Licensure - application - qualifications - rules.**

4 (1) **Application.** (a) An application for licensure shall include evidence of the education
5 and practical experience required by this section and the rules of the board.

6 (b) A person applying for licensure under this article **130** shall disclose whether he
7 or she has been denied licensure or disciplined as a landscape architect or practiced
8 landscape architecture in violation of this article **130**. If an applicant has violated this article
9 **130**, the board may deny an application for licensure. When determining whether a person
10 has violated this article **130**, section 24-5-101, ~~C.R.S.~~, shall govern the board's actions.

11 (c) Applicants may seek licensure in one of the following manners:

12 (I) Licensure by examination as described in subsection (3) of this section;

13 (II) Licensure by endorsement as described in subsection (4) of this section; or

14 (III) Licensure by prior practice as described in subsection (5) of this section.

15 (2) **Education and experience.** The board shall set minimum educational and
16 experience requirements for licensure by examination, subject to the following guidelines:

17 (a) The board may require either:

18 (I) (A) Practical experience for a specified period, not to exceed three years, or
19 education or experience determined by the board to be substantially equivalent; and

20 (B) A professional degree from a program accredited by the Landscape Architectural
21 Accreditation Board, or any successor organization, or education or experience determined
22 by the board to be substantially equivalent; or

23 (II) Practical experience for a specified period, not to exceed ten years, under the
24 direct supervision of a licensed landscape architect or a landscape architect with an
25 equivalent level of competence as defined by rules of the board; or

26 (III) A combination of ~~such~~ practical experience and education, not to exceed ten
27 years.

28 (b) One year of the experience required by this subsection (2) may be practical field
29 experience in construction techniques, teaching, or research in a program accredited by the
30 Landscape Architectural Accreditation Board or an equivalent successor organization.

31 (c) Subject to review and approval by the board pursuant to rules, a graduate of an
32 unaccredited program of landscape architecture or a related field shall be eligible to
33 substitute education for the practical experience required by the board pursuant to this
34 subsection (2).

35 (d) (I) Prior to licensure, an applicant by examination shall pass an examination
36 developed or adopted by the board that measures the minimum level of competence
37 necessary to be a licensed landscape architect. The board shall designate and notify

1 applicants of the time and location for examinations. The board may engage a private
2 contractor to administer the examinations.

3 (II) The board may adopt the examinations, recommended grading procedures, and
4 educational and practical experience requirements and equivalents of the Council of
5 Landscape Architectural Registration Boards or a successor organization if ~~such~~ THE
6 examinations, procedures, and requirements and equivalents do not conflict with the
7 requirements of this article *130*.

8 (3) **Licensure by examination.** (a) Before being licensed pursuant to this subsection
9 (3), an applicant for licensure by examination shall pass an examination developed or
10 adopted by the board to measure the minimum level of competence.

11 (b) The board shall designate a time and location for examinations and shall notify
12 applicants of this time and location in a timely manner. The board may contract for
13 assistance in administering the examinations.

14 (c) The board may adopt the examinations, recommended grading procedures, and
15 educational and practical experience requirements of the Council of Landscape Architectural
16 Registration Boards or any substantially equivalent successor organization if ~~such~~ THE
17 examinations, procedures, and requirements do not conflict with the requirements of this
18 article *130*.

19 (4) **Licensure by endorsement.** (a) An applicant for licensure by endorsement shall
20 file an application as prescribed by the board and shall hold a current valid license or
21 registration in a jurisdiction requiring qualifications substantially equivalent to those
22 required for licensure by subsections (2) and (3) of this section.

23 (b) The board shall provide procedures for an applicant to apply directly to the board
24 for a license by endorsement. A certified record from the Council of Landscape
25 Architectural Registration Boards, or its successor organization, shall qualify a candidate to
26 submit an application to the board for licensure by endorsement.

27 (c) The board may develop or adopt a supplementary examination to measure the
28 minimum competence of applicants for licensure by endorsement. The supplementary
29 examination shall be administered at the discretion of the board when an applicant for
30 licensure by endorsement has otherwise failed to sufficiently demonstrate minimum
31 competence.

32 (5) **Licensure by prior practice.** (a) The board shall adopt rules authorizing the
33 issuance of a license to qualified candidates who practiced landscape architecture before
34 January 1, 2008.

35 (b) The following evidence, as verified by the board, shall be acceptable as proof that
36 a candidate is qualified for licensure by prior practice:

37 (I) (A) A diploma or certificate of graduation from a landscape architecture degree

1 program accredited by the Landscape Architecture Accreditation Board or its successor
2 organization; and

3 (B) Evidence of at least six years of practical experience in the practice of landscape
4 architecture sufficient to satisfy the board that the applicant has minimum competence in the
5 practice of landscape architecture; or

6 (II) Evidence that the applicant has at least ten years of practical experience in the
7 practice of landscape architecture sufficient to satisfy the board that the applicant has
8 minimum competence in the practice of landscape architecture.

9 (c) All experience required to qualify for licensure by prior practice shall be obtained
10 before January 1, 2008; except that one year of required experience for licensure by prior
11 practice may accrue after January 1, 2008.

12 (d) The board may develop or adopt a supplementary examination to measure the
13 minimum competence of applicants for licensure by prior practice. The supplementary
14 examination shall be administered at the discretion of the board when an applicant for
15 licensure by prior practice has otherwise failed to sufficiently demonstrate minimum
16 competence.

17 (6) **Issuance of license.** Upon application and satisfaction of the requirements of this
18 section, the board shall issue a license to practice landscape architecture. The board is not
19 required to issue a license if the applicant is subject to discipline pursuant to this article *130*.

20 (7) **Lapse of application.** If an applicant fails to meet the licensing requirements
21 within three years after filing an application, the application shall be void. The board may
22 authorize an applicant for licensure by examination to reattempt the examination without
23 limitation and may exempt an applicant from this subsection (7) so long as the applicant
24 reattempts the examination within thirty-one months after the last examination.

25 (8) **Renewal and reinstatement.** All licenses shall expire pursuant to, ~~a schedule~~
26 ~~established by the director. Licenses shall be renewed or reinstated pursuant to section~~
27 ~~24-34-102 (8), C.R.S. The director may establish renewal fees and delinquency fees for~~
28 ~~reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her~~
29 ~~license pursuant to the schedule established by the director, the license shall expire~~ AND ARE
30 SUBJECT TO THE RENEWAL, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED
31 IN, SECTION 12-20-202 (1) AND (2). Any person whose license has expired shall be subject
32 to penalties provided in this article *130* or in section ~~24-34-102 (8), C.R.S~~ *12-20-202 (1)*.
33 ~~All fees collected under this article shall be deposited in accordance with section 12-45-111.~~
34 ~~<{Redundant with renewal/reinstatement and fees common provision, 12-20-202 and~~
35 ~~12-20-105.>~~

36
37 **12-130-110. [Formerly 12-45-111] Fees.** The director shall establish a schedule of

1 reasonable fees for applications, licenses, renewal of licenses, inactive status, and late fees.
2 The fees shall be set, collected, and credited pursuant to section ~~24-34-105~~, C.R.S.
3 *12-20-105*.
4

5 **12-130-111. [Formerly 12-45-112] Professional liability.** (1) The shareholders,
6 members, or partners of an entity that practices landscape architecture are liable for the acts,
7 errors, and omissions of the employees, members, and partners of the entity, except when
8 the entity maintains a qualifying policy of professional liability insurance as set forth in
9 subsection (2) of this section.

10 (2)(a) A qualifying policy of professional liability insurance shall meet the following
11 minimum standards:

12 (I) The policy shall insure the entity against liability imposed upon it by law for
13 damages arising out of the negligent acts, errors, and omissions of all professional and
14 nonprofessional employees, members, and partners; and

15 (II) The insurance shall be in a policy amount of at least seventy-five thousand
16 dollars multiplied by the total number of landscape architects in or employed by the entity,
17 up to a maximum of five hundred thousand dollars.

18 (b) In addition, the policy may include:

19 (I) A provision stating that the policy shall not apply to the following:

20 (A) A dishonest, fraudulent, criminal, or malicious act or omission of the insured
21 entity or of any stockholder, employee, member, or partner of the insured entity;

22 (B) The conduct of a business enterprise that is not the practice of landscape
23 architecture by the insured entity;

24 (C) The conduct of a business enterprise in which the insured entity may be a partner
25 or that may be controlled, operated, or managed by the insured entity in its own or in a
26 fiduciary capacity, including, but not limited to, the ownership, maintenance, or use of
27 property;

28 (D) Bodily injury, sickness, disease, or death of a person; or

29 (E) Damage to, or destruction of, tangible property owned by the insured entity;

30 (II) Any other reasonable provisions with respect to policy periods, territory, claims,
31 conditions, and ministerial matters.
32

33 **12-130-112. [Formerly 12-45-113] Grounds for disciplinary action.** (1) The board
34 shall investigate the activities of a licensee or other person upon its own motion or upon the
35 receipt of a written, signed complaint alleging grounds for disciplinary action under this
36 article *130*.
37

(2) Grounds for disciplinary action shall include:

1 (a) Fraud or a material misstatement of fact made in procuring or attempting to
2 procure a license;

3 (b) An act or omission that fails to meet the generally accepted standards of the
4 practice of landscape architecture and that endangers life, health, property, or the public
5 welfare;

6 (c) Fraud or deceit in the practice of landscape architecture;

7 (d) Affixing a seal or authorizing a seal to be affixed to a document if ~~such~~ THE act
8 misleads another into incorrectly believing that a licensed landscape architect was the
9 document's author or was responsible for its preparation;

10 (e) Violation of or aiding or abetting in the violation of this article **130**, a rule
11 promulgated by the board under SECTION 12-20-204 OR this article **130**, or an order of the
12 board issued under this article **130**;

13 (f) Being convicted of or pleading nolo contendere to a felony in Colorado or to any
14 crime outside Colorado that would constitute a felony in Colorado, if the felony or other
15 crime concerns the practice of landscape architecture. A certified copy of the judgment of
16 a court of competent jurisdiction of a conviction or plea shall be presumptive evidence of
17 the conviction or plea in any hearing under this article **130**. The board shall be governed by
18 ~~section~~ SECTIONS 12-20-202 (5) AND 24-5-101 ~~C.R.S.~~, when considering the conviction or
19 plea.

20 (g) Use of false, deceptive, or misleading advertising;

21 (h) Habitual or excessive use or abuse of alcohol or a habit-forming drug or habitual
22 use of a controlled substance, as defined in section 18-18-102 (5), ~~C.R.S.~~; or other drug
23 having similar effects, when the use or abuse renders the landscape architect unfit to engage
24 in the practice of landscape architecture;

25 (i) Use of a schedule I controlled substance, as defined in section 18-18-203; ~~C.R.S.~~;

26 (j) Failure to report to the board a landscape architect known to have violated this
27 article **130** or any board order or rule. Potential violations of this ~~paragraph (j)~~ SUBSECTION
28 (2)(j) include knowledge of an action or arbitration in which claims regarding the life and
29 safety of the users of a site are alleged.

30 (k) Making or offering a substantial gift to influence a prospective or existing client
31 or employer to use or refrain from using a specific landscape architect;

32 (l) Failure to exercise adequate professional supervision of persons assisting in the
33 practice of landscape architecture under a licensed landscape architect;

34 (m) Performing services beyond the competence, training, or education of a
35 landscape architect;

36 (n) Selling, fraudulently obtaining, or fraudulently furnishing a license or renewal
37 of a license to practice landscape architecture;

1 (o) Practicing landscape architecture or advertising, representing, or holding oneself
2 out as a licensed landscape architect or using the title "landscape architect" or "licensed
3 landscape architect" unless the person is licensed pursuant to this article *130*; or

4 (p) Otherwise violating any provision of this article *130*.

5 (3) A disciplinary action in another state or jurisdiction taken on grounds that would
6 constitute a violation under this article *130* shall be prima facie evidence of grounds for
7 disciplinary action under this section.
8

9 **12-130-113. [Formerly 12-45-114] Disciplinary actions by board - procedures.**

10 (1) The board may deny, refuse to renew, suspend, or revoke any license, may place a
11 licensee on probation TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED IN SECTION
12 12-20-404, may place conditions or limitations on the license, or may impose a censure or
13 fine if, after notice and hearing, the board determines that the licensee has committed any
14 of the acts specified in section ~~12-45-113~~ *12-130-112*. <{Redundant with disciplinary
15 authority common provision, 12-20-404.}>

16 (2)(a) ~~When a complaint or investigation discloses an instance of misconduct that,~~
17 ~~in the board's opinion, does not warrant formal action but that should not be dismissed as~~
18 ~~being without merit, the board may issue and send to the licensee, by certified mail, a written~~
19 ~~letter of admonition.~~

20 (b) ~~When a letter of admonition is sent by the board, the licensee shall be advised that~~
21 ~~he or she has the right to request, within twenty days after receipt of the letter, that formal~~
22 ~~disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon which~~
23 ~~the letter of admonition is based.~~

24 (c) ~~Upon receipt of a timely request for adjudication pursuant to paragraph (b) of this~~
25 ~~subsection (2), the board shall void the letter of admonition and shall institute formal~~
26 ~~disciplinary proceedings to address the matter. <{Subsection (2) redundant with letters of~~
27 ~~admonition common provision, 12-2-404 (4).}>~~

28 (3) ~~When a complaint or investigation discloses an instance of conduct that does not~~
29 ~~warrant formal action by the board and, in the opinion of the board, the complaint should~~
30 ~~be dismissed, but the board has noticed indications of possible errant conduct by the licensee~~
31 ~~that could lead to serious consequences if not corrected, a confidential letter of concern may~~
32 ~~be issued to the licensee. The confidential letter of concern and notice of the issuance of the~~
33 ~~letter shall be sent to the licensee by certified mail. Issuance of a confidential letter of~~
34 ~~concern shall not be construed to be discipline. <{Subsection (3) redundant with~~
35 ~~confidential letters of concern common provision, 12-2-404 (5).}>~~

36 (4) ~~When a complaint or investigation discloses an instance of misconduct that, in~~
37 ~~the opinion of the board, warrants formal action, the complaint shall not be resolved by a~~

1 deferred settlement, action, judgment, or prosecution. <{Subsection (4) redundant with no
2 deferment common provision, 12-20-404 (2).}>

3 (5) (2) If the board determines that a person licensed to practice landscape
4 architecture pursuant to this article **130** is subject to disciplinary action under this section,
5 the board may, in lieu of or in addition to other discipline, require a licensee to take courses
6 of professional training or education. The board shall determine the educational conditions
7 to be imposed on the licensee, including, but not limited to, the type and number of hours
8 of training or education. All training or education courses are subject to approval by the
9 board, and the licensee shall furnish proof of satisfactory completion of the training or
10 education.

11 ~~(6) (a) If it appears to the board, based upon credible evidence as presented in a~~
12 ~~written complaint by any person, that a licensee is acting in a manner that is an imminent~~
13 ~~threat to the health and safety of the public, or a person is acting or has acted without the~~
14 ~~required license, the board may issue an order to cease and desist such activity. The order~~
15 ~~shall set forth the statutes and rules alleged to have been violated, the facts alleged to have~~
16 ~~constituted the violation, and the requirement that all unlawful acts or unlicensed or~~
17 ~~unregistered practices immediately cease.~~

18 ~~(b) Within ten days after service of the order to cease and desist pursuant to~~
19 ~~paragraph (a) of this subsection (6), the respondent may request a hearing on the question~~
20 ~~of whether acts or practices in violation of this article have occurred. Such hearing shall be~~
21 ~~conducted pursuant to sections 24-4-104 and 24-4-105, C.R.S.~~

22 ~~(7) (a) If it appears to the board, based upon credible evidence as presented in a~~
23 ~~written complaint by any person, that a person has violated any other portion of this article,~~
24 ~~then, in addition to any specific powers granted pursuant to this article, the board may issue~~
25 ~~to such person an order to show cause as to why the board should not issue a final order~~
26 ~~directing the person to cease and desist from the unlawful act or unlicensed practice.~~

27 ~~(b) A person against whom an order to show cause has been issued pursuant to~~
28 ~~paragraph (a) of this subsection (7) shall be promptly notified by the board of the issuance~~
29 ~~of the order, along with a copy of the order, the factual and legal basis for the order, and the~~
30 ~~date set by the board for a hearing on the order. Such notice may be served by personal~~
31 ~~service, by first-class United States mail, postage prepaid, or as may be practicable upon any~~
32 ~~person against whom the order is issued. Personal service or mailing of an order or~~
33 ~~document pursuant to this subsection (7) shall constitute notice of the order and hearing to~~
34 ~~the person.~~

35 ~~(c) (I) The hearing on an order to show cause shall be commenced no sooner than~~
36 ~~ten and no later than forty-five calendar days after the date of transmission or service of the~~
37 ~~notification by the board as provided in paragraph (b) of this subsection (7). The hearing~~

1 may be continued by agreement of all parties based upon the complexity of the matter,
2 number of parties to the matter, and legal issues presented in the matter, but in no event shall
3 the hearing commence later than sixty calendar days after the date of transmission or service
4 of the notification.

5 (H) If a person against whom an order to show cause has been issued pursuant to
6 paragraph (a) of this subsection (7) does not appear at the hearing, the board may present
7 evidence that notification was properly sent or served upon such person pursuant to
8 paragraph (b) of this subsection (7) and such other evidence related to the matter as the
9 board deems appropriate. The board shall issue the order within ten days after the board's
10 determination related to reasonable attempts to notify the respondent, and the order shall
11 become final as to that person by operation of law. Such hearing shall be conducted pursuant
12 to sections 24-4-104 and 24-4-105, C.R.S.

13 (H) If the board reasonably finds that the person against whom the order to show
14 cause was issued is acting or has acted without the required license, or has or is about to
15 engage in acts or practices constituting violations of this article, a final cease-and-desist
16 order may be issued, directing the person to cease and desist from further unlawful acts or
17 unlicensed practice.

18 (IV) The board shall provide notice, in the manner set forth in paragraph (b) of this
19 subsection (7), of the final cease-and-desist order within ten calendar days after the hearing
20 conducted pursuant to this paragraph (c) to each person against whom the final order has
21 been issued. The final order issued pursuant to subparagraph (H) of this paragraph (c) shall
22 be effective when issued and shall be a final order for purposes of judicial review.

23 (8) If it appears to the board, based upon credible evidence presented to the board,
24 that a person has engaged in or is about to engage in any unlicensed act or practice, any act
25 or practice constituting a violation of this article, any rule promulgated pursuant to this
26 article, any order issued pursuant to this article, or any act or practice constituting grounds
27 for administrative sanction pursuant to this article, the board may enter into a stipulation
28 with such person.

29 (9) If any person fails to comply with a final cease-and-desist order or a stipulation,
30 the board may request the attorney general or the district attorney for the judicial district in
31 which the alleged violation exists to bring, and if so requested such attorney shall bring, suit
32 for a temporary restraining order and for injunctive relief to prevent any further or continued
33 violation of the final order. <{Subsections (6) through (9) are redundant with
34 cease-and-desist orders common provision, 12-20-405.}>

35 (H) (3) Any disciplinary action taken by the board and judicial review of such action
36 shall be in accordance with the provisions of SECTION 12-20-403 AND article 4 of title 24.
37 C.R.S., and the hearing and opportunity for review shall be conducted pursuant to said

1 article by the board or an administrative law judge at the board's discretion. <{Subsection
2 (10) redundant with disciplinary procedures common provision, 12-20-403, and section
3 12-130-115, above.}>

4 (11) A person aggrieved by the final cease-and-desist order may seek judicial review
5 of the board's determination or of the board's final order as provided in section 12-45-116.
6 <{Subsection (11) redundant with judicial review common provision, 12-20-408.}>

7 (12)(a) (4) In addition to the penalties provided for in this section, and in lieu of
8 revoking a license upon a finding of misconduct by the board, a person who violates this
9 article **130** or rules promulgated pursuant to SECTION 12-20-204 OR this article **130** may be
10 punished by a fine not to exceed five thousand dollars.

11 (b) A fine collected pursuant to this subsection (12) shall be transmitted to the state
12 treasurer, who shall credit the same to the general fund. <{Paragraph (b) redundant with
13 disposition of fines common provision, 12-20-404 (6).}>

14 (13) Except as provided in subsection (14) of this section, a license that is revoked
15 shall not be reinstated within two years after the effective date of the revocation.
16 <{Subsection (13) redundant with waiting period common provision, 12-2-404 (3).}>

17 (14) (5) On its own motion or upon application after the imposition of discipline, the
18 board may reconsider its prior action and reinstate a license, terminate suspension or
19 probation, or reduce the severity of its prior disciplinary action.

20
21 **12-130-114. [Formerly 12-45-115] Unauthorized practice - penalties.** (1) Any
22 person who practices or offers or attempts to practice landscape architecture without an
23 active license issued under this article commits a class 2 misdemeanor and shall be punished
24 as provided in section 18-1.3-501, C.R.S., for the first offense, and, for the second or any
25 subsequent offense, the person commits a class 6 felony and shall be punished as provided
26 in section 18-1.3-401, C.R.S. **130** IS SUBJECT TO PENALTIES PURSUANT TO SECTION 12-20-407
27 (1)(a). <{Redundant with unauthorized practice common provision, 12-20-407.}>

28 (2) A violation of this section may be prosecuted by the district attorney of the
29 judicial district in which the offense was committed or by the attorney general of the state
30 of Colorado in the name of the people of the state of Colorado. In such action, the court may
31 issue an order, enter judgment, or issue a preliminary or final injunction.

32
33 **12-130-115. [Formerly 12-45-116] Judicial review.** A person aggrieved by SECTION
34 12-20-408 GOVERNS JUDICIAL REVIEW OF a final action or order of the board. may seek
35 judicial review pursuant to section 24-4-106, C.R.S. <{Redundant with judicial review
36 common provision, 12-20-408.}>
37

1 **12-45-116. [Formerly 12-45-117] Landscape architect's stamp - rules.** (1) A
2 licensed landscape architect shall obtain a stamp of a design authorized by the board. The
3 stamp shall bear the name, date of licensing, and license number of the landscape architect,
4 together with the legend "Colorado - Licensed Landscape Architect".

5 (2) A landscape architect's records and documents shall be prepared, recorded, and
6 retained in the following manner:

7 (a) The stamp, signature of the landscape architect whose name appears on the stamp,
8 and date of the landscape architect's signature shall be placed on reproductions of drawings
9 to establish a record set of contract documents.

10 (b) The record set shall be prominently identified and shall be for the permanent
11 record of the landscape architect, the project owner, and the regulatory authorities who have
12 jurisdiction over the project.

13 (c) The stamp and the date the document is stamped shall be placed on the cover, title
14 page, and table of contents of specifications and on each reproduction of drawings prepared
15 under the direct supervision of the landscape architect.

16 (d) Subsequently issued addenda, revisions, clarifications, or other modifications
17 shall be properly identified and dated for the record set.

18 (e) Where consultant drawings and specifications are incorporated into the record
19 set, their origin shall be clearly identified and dated to distinguish them from stamped
20 documents.

21 (f) Except as required for compliance with a federal contract, the landscape architect
22 shall not stamp reproductions or copies that are transferred from the landscape architect's
23 possession or supervision.

24 (g) A record set shall be retained by the landscape architect for a minimum of three
25 years after beneficial occupancy or beneficial use of the project.

26 (h) One original document may be stamped, signed, and dated as required for federal
27 government contracts.

28 (3) The board, by rule, may authorize the use of an electronic stamp, an electronic
29 seal, and recording of electronic records in a manner substantially equivalent to the
30 requirements of subsections (1) and (2) of this section.

31
32 **12-130-117. [Formerly 12-45-118] Exemptions.** (1) The following shall be exempt
33 from the provisions of this article *130*:

34 (a) The practice of architecture by licensed architects pursuant to part ~~3~~ *4* of article
35 ~~25~~ *120* of this title *12*;

36 (b) The practice of professional engineering by registered professional engineers
37 pursuant to part ~~†~~ *2* of article ~~25~~ *120* of this title *12*;

1 (c) The practice of professional land surveying by licensed land surveyors pursuant
2 to part ~~2~~ **3** of article ~~25~~ **120** of this title **12**;

3 (d) Residential landscape design, consisting of landscape design services for single-
4 and multi-family residential properties of four or fewer units not including common areas;

5 (e) The design of irrigation systems by professionals qualified by appropriate
6 experience or certification; and

7 (f) Landscape installation and construction services, including, but not limited to, all
8 contracting services not within the scope of the practice of landscape architecture.

9 (2) Nothing in this article **130** shall prohibit or limit a municipality or county of this
10 state, in the reasonable exercise of its police power, from adopting codes that may be
11 necessary for the protection of the inhabitants of the municipality or county.

12 (3) Nothing in this article **130** shall be construed to limit or extend the rights of
13 another profession or craft.

14 (4) Nothing in this article **130** shall be construed to prohibit the practice of landscape
15 architecture by any employee of the United States government or any bureau, division, or
16 agency of the United States while discharging his or her official duties.

17
18 **12-130-118. [Formerly 12-45-119] Architecture, engineering, and surveying.**
19 Nothing in this article **130** shall be construed to authorize a landscape architect to engage
20 in the practice of architecture, as defined in part ~~3~~ **4** of article ~~25~~ **120** of this title **12**, the
21 practice of engineering, as defined in part ~~1~~ **2** of article ~~25~~ **120** of this title **12**, or
22 professional land surveying, as defined in part ~~2~~ **3** of article ~~25~~ **120** of this title **12**.

23
24 **12-130-119. [Formerly 12-45-120] Repeal of article.** This article ~~45~~ **130** is repealed,
25 effective September 1, 2028. Before its repeal, the licensing of landscape architects by the
26 board is scheduled for review in accordance with section 24-34-104.