

CHAPTER 26 – LICENSING BOARD OF LANDSCAPE ARCHITECTS

SECTION .0100 – STATUTORY AND ADMINISTRATIVE PROVISIONS

21 NCAC 26 .0101 AUTHORITY: NAME AND LOCATION OF BOARD

The "North Carolina Landscape Architecture Act," G.S. 89A, establishes and authorizes the "North Carolina Board of Landscape Architects," hereafter called the "board." Unless otherwise directed, all communications shall be addressed to the board at Post Office Box 41225, Raleigh, North Carolina 27629.

History Note: Authority G.S. 89A-3.1
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. August 1, 2000; July 2, 1979.

21 NCAC 26 .0102 PURPOSE OF THE ACT

History Note: Authority G.S. 89A-1(b),(c); 89A-2(a); 89A-3(c);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 1, 1988.

21 NCAC 26 .0103 ORGANIZATION OF THE BOARD: OFFICERS

Meeting of the board shall be open and public except that the board may meet in closed session to prepare, approve, administer or grade examinations; or to deliberate the qualifications of an applicant for registration; or to dispose of a proceeding to discipline a registered landscape architect.

History Note: Authority G.S. 89A-3;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. August 1, 1988.

21 NCAC 26 .0104 FORMS

History Note: Authority G.S. 89A-3(c); 150B-11(1);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Temporary Amendment Eff. October 1, 1997;
Temporary Amendment Expired July 12, 1998;
Repealed Eff. August 1, 2000.

21 NCAC 26 .0105 FEES

- (a) Application fees shall be one hundred dollars (\$100.00).
- (b) Examination fees shall be equal to the cost of examinations incurred by the Board, plus administrative costs, and shall be paid prior to the examination.
- (c) Fees for portions of examinations will be based on the actual charges to the board for procuring, administering and grading the portion of the exam. The fees shall be paid prior to the examination.
- (d) The fee for license by reciprocity shall be one hundred fifty dollars (\$150.00).
- (e) The fee for a corporate certificate of registration shall be two hundred dollars (\$200.00).
- (f) The fee for the annual renewal of any certificate of registration shall be one hundred dollars (\$100.00).
- (g) Annual renewal fees received after July 1 of each year shall be subject to a one-time late payment penalty of fifty dollars (\$50.00). Lapse of license renewal in excess of one year shall require an application reinstatement and an application fee of one hundred dollars (\$100.00).

(h) The fee for re-issue of a lost or damaged certificate or permit is ten dollars (\$10.00).

History Note: Authority G.S. 89A-3.1; 89A-6;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. December 1, 1994; June 1, 1991; April 1, 1990; July 1, 1989;
Temporary Amendment Eff. October 1, 1997;
Temporary Amendment Expired July 12, 1998;
Amended Eff. August 1, 2000.

SECTION .0200 - PRACTICE OF REGISTERED LANDSCAPE ARCHITECTS

21 NCAC 26 .0201 BOARD LISTING OF INDIVIDUAL AND FIRM NAMES

Every individual licensee, partnership, firm or corporation has the continuing responsibility of keeping the Board currently advised of his or its proper and current mailing address and the name or names under which he or it is practicing. Each licensee or firm shall immediately notify the Board of any and all changes of association or address. Upon the dissolution of a professional relationship, the member or members thereof shall promptly notify the Board in writing concerning such dissolution, and of the succeeding status and addresses of the individual or firm.

History Note: Authority G.S. 89A-3(c);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977.

21 NCAC 26 .0202 APPLICABILITY OF BOARD RULES

History Note: Authority G.S. 89A-3(c);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. August 1, 1988.

21 NCAC 26 .0203 GENERAL OBLIGATIONS OF PRACTICE: MANDATORY STANDARDS

History Note: Authority G.S. 89A-3(c); 89A-7;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. October 1, 1988; August 1, 1988; November 8, 1978;
Repealed Eff. July 1, 1993.

21 NCAC 26 .0204 CORPORATE PRACTICE

History Note: Authority G.S. 89A-3(c); 55B-15;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. August 1, 1988; April 1, 1981;
Repealed Eff. February 1, 1994.

21 NCAC 26 .0205 FORMS OF PRACTICE

History Note: *Authority G.S. 89A-3(c);
RRC Objection Eff. June 17, 1993 Due to Lack of Statutory Authority;
Eff. August 1, 1993;
Repealed Eff. February 1, 1994.*

21 NCAC 26 .0206 NAME OF FIRM

- (a) Exclusion of Non-Licensed Individuals. The name of a landscape architectural firm shall not include the proper name of any officer or employee who is not a licensed landscape architect, architect, geologist, land surveyor or professional engineer.
- (b) Associate. The word "associate" may be used only with reference to a licensee who is a principal or regular employee of the firm. The plural form may be used only when justified by the number of licensees in addition to those licensees whose proper names are included in the firm name.
- (c) Example: Proper Name and (&) Associates shall refer to a principal landscape architect and at least two licensed landscape architectural employees.
- (d) Example: Proper Name Associates shall refer to at least one principal landscape architect and at least one licensed landscape architectural employee.
- (e) Example: Assumed Name Associates shall refer to at least one principal landscape architect and at least one licensed landscape architectural employee, or two or more principal landscape architects.
- (f) Names Previously in Effect. This Rule shall not be construed to require any firm to seek approval of, or to change, any name duly adopted in conformity with board rules in effect at the date of such adoption.

History Note: *Authority G.S. 55B-5; 89A-3(c);
Eff. July 1, 1993;
Amended Eff. February 1, 1994.*

21 NCAC 26 .0207 APPLICATION OF PROFESSIONAL SEAL

- (a) Use of Seal. The seal(s) of the landscape architect(s) responsible for the work and the landscape architectural corporation seal, if appropriate, shall be applied to the following documents:
 - (1) Drawings and specifications prepared for public agency approval;
 - (2) Drawings and specifications issued for the purpose of bidding, negotiation or construction;
 - (3) Reports of technical nature; and
 - (4) Letters and certificates of professional opinion.
- (b) The seal(s) shall be applied only to documents prepared personally or under the immediate supervision of the landscape architect whose seal is affixed, except that seals may be applied to documents that were not prepared by the landscape architect in the following circumstances:
 - (1) Documents that were initially sealed by an out of state individual who is a licensed landscape architect in the state of origin of such plans may then be reviewed by a North Carolina Landscape Architect for code conformance, design adequacy, and site adaptation for the specific application within North Carolina. Standard plans, which bear the seal of an individual who is a licensed landscape architect, shall be sealed by the North Carolina Landscape Architect who is assuming responsibility. In addition to the seal, a statement shall be included as follows: "These plans have been examined by the undersigned. I have determined that they comply with existing local North Carolina codes, and have been properly site adapted for use in this area."
 - (2) Documents that are prepared by another licensed professional and obtained by the Landscape Architect may be used to prepare landscape architectural design documents provided the origin of the documents and information prepared by another licensed professional shall appear on each drawing or sheet of the documents sealed by the landscape architect.
- (c) Signature and Date. The individual's seal or facsimile thereof shall have the landscape architect's original signature across its face and the effective date shall be indicated below or elsewhere on the document.

(d) Co-authorship. When a document requiring seals has been co-authored by the landscape architect and another licensed design professional of another discipline, the landscape architect shall indicate by notation each portion for which he or she is responsible.

(e) Failure to use the professional seal according to this Rule may be deemed by the Board to be "gross malpractice" within the meaning of G.S. 89A-7.

(f) Electronically transmitted documents and electronic seals shall be allowed. Documents, including drawings, specifications and reports, that are transmitted electronically to a client or a governmental agency shall have the computer-generated seal removed from the original file, unless signed with a digital signature as defined in Paragraph (g) of this Rule. After removal of the seal, the electronic media shall have the following language inserted in lieu of the signature and date:

This document originally issued and sealed by (name of sealer), (license number), on (Date of sealing). This medium shall not be considered a certified document. Hardcopy documents containing the original seal, signature, and date may be obtained from (name of sealer).

(g) The scanned digital files of certified documents that cannot be altered are not subject to the requirements of Paragraph (f) of this Rule. The electronic transmission of CAD, vector or other similar files subject to easy editing are subject to the requirements of this Paragraph. Easy editing is based on the file consisting of separate elements that can be modified or deleted in part or in whole.

(h) Documents to be electronically transmitted that are signed using a digital signature shall contain the authentication procedure in a secure mode and a list of the hardware, software and parameters used to prepare the document(s). Secure mode means that the authentication procedure has protective measures to prevent alteration or overriding of the authentication procedure. The term "digital signature" shall be an electronic authentication process that is attached to or logically associated with an electronic document. The digital signature shall be:

- (1) Unique to the licensee using it;
- (2) Capable of verification;
- (3) Under the sole control of the licensee; and
- (4) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

*History Note: Authority G.S. 89A-3.1; 89A-7;
RRC Objection Eff. June 17, 1993 Due to Lack of Statutory Authority and Ambiguity;
Eff. August 1, 1993;
RRC Objection cured Eff. January 20, 1994;
Amended Eff. January 1, 2008; February 1, 1994.*

21 NCAC 26 .0208 IMPROPER CONDUCT

*History Note: Authority G.S. 89A-3(c);
RRC Objection Eff. June 17, 1993 Due to Lack of Statutory Authority and Ambiguity;
Eff. August 1, 1993;
Repealed Eff. February 1, 1994.*

21 NCAC 26 .0209 UNPROFESSIONAL CONDUCT

Registrants shall not:

- (1) allow one's name to be associated with an undertaking in any professional capacity without having served specifically in that capacity;
- (2) accept compensation in whole or in part from fees, commissions, earnings, commercial or speculative profit emanating from sales of materials or services provided to a Landscape Architect's client by others;
- (3) make exaggerated or misleading statements or claims about any personal qualifications, experience or performance;
- (4) fail to disclose to a client or employer the existence of any financial interest which even remotely bears upon the Landscape Architectural services or project;
- (5) fail to respond within 30 calendar days to any inquiry from this Board;

- (6) fail to properly supervise his or her practice. Each office maintained for the preparation of drawings, specifications, reports or other professional work shall have a registered landscape architect employed in that office who shall have direct knowledge and supervisory control of such work, except field offices maintained only for the purpose of project construction administration shall have at least one employee present with the supervising landscape architect maintaining control and making periodic visits.

*History Note: Authority G.S. 89A-3.1; 89A-7;
Eff. August 1, 1993;
Amended Eff. November 1, 2005; March 1, 1994.*

21 NCAC 26 .0210 DISHONEST PRACTICE

(a) Registrants shall not:

- (1) knowingly make any deceptive or false statement about another's professional work or maliciously injure or attempt to injure the prospects, practice or employment position of those so engaged;
- (2) knowingly make any deceptive or false statements in an application for examination or in any other statements or representations to this Board, to any public agency, to a prospective or actual client, or to another Landscape Architect;
- (3) fail to notify this Board, if registered as a Landscape Architect in North Carolina, of disciplinary action by a Landscape Architectural Board in another jurisdiction.

(b) Because of the inherent conflict of interest with construction services, a landscape architect shall not provide contracting services [Combined Design and Construction (Design-Build) Practice] unless he does the following:

- (1) Uses the term "limited landscape architectural services" in all representations to the public and the client.
- (2) Affixes a notation on each construction drawing and the cover of technical specifications stating "These construction drawings and technical specifications represent the full extent of the limited landscape architectural services provided for this project".

*History Note: Authority G.S. 89A-3.1; 89A-7;
Eff. August 1, 1993;
Amended Eff. November 1, 2005; March 1, 1994.*

21 NCAC 26 .0211 INCOMPETENCE

The following acts or omissions are deemed to be gross incompetency within the meaning of G.S. 89A-7:

- (1) to attempt to perform professional services which are beyond the qualifications which the landscape architect and those who are engaged as consultants are qualified by education, training and experience in the specific technical areas involved;
- (2) to be negligent in planning, designing, supervising, managing or inspecting landscape architectural projects such that the public health, safety, or welfare is jeopardized;
- (3) to plan, perform, or supervise work for clients in such a manner and with such results as to be below the level of professional competency exercised by other registered landscape architects who are practicing in the area;
- (4) to have been judged incompetent by a court having jurisdiction under G.S. 35A or former G.S. 35 or committed to a mental health facility for treatment of mental illness, as defined in G.S. 122C-3, by a court under G.S. 122C-271.

*History Note: Authority G.S. 89A-3.1; 89A-7;
Eff. August 1, 1993;
Amended Eff. December 1, 2005; March 1, 1994.*

SECTION .0300 - EXAMINATION AND LICENSING PROCEDURES

21 NCAC 26 .0301 EXAMINATION

(a) Notice. The Board shall hold at least one examination during each year and may hold such additional examinations as may appear necessary. The secretary shall give public notice of the time and place for each examination at least 60 days in advance of the date set for the examination.

(b) Examination. The Landscape Architect Registration Examination published by the Council of Landscape Architectural Registration Boards shall be the examination given by the Board, so long as the Board shall remain a member of the Council of Landscape Architectural Registration Boards. The Board may administer a state supplement to the Landscape Architecture Registration Exam (LARE) as allowed by the Council.

(c) "Qualified Applicant" - An applicant is deemed qualified to take the Landscape Architects Registration Examination (LARE) upon graduation from a Landscape Architect's Accreditation Board (LAAB) accredited collegiate curriculum in landscape architecture and has completed the experience requirements, both as set forth in Paragraphs (d) and (e) of this Rule.

(d) Educational Requirements. In allowing credit for education in fulfilling the minimum qualification requirements established by statute, the Board will allow credit for educational experience as follows: An undergraduate, a masters, or a doctorate degree from an accredited curriculum approved by the Landscape Architectural Accreditation Board (LAAB) shall be deemed to have met the educational requirement.

(e) Experience Requirements.

- (1) An applicant shall have a minimum of 8,000 hours of professional experience in landscape architecture working under the direct supervision of a registered landscape architect. In submitting an application to the Board for registration, a licensed landscape architect shall certify that the applicant has completed the number of hours indicated on the form; or
- (2) An applicant may petition the Board for up to 8,000 hours of experience credit by providing proof of work experience that is directly related to the practice of landscape architecture as defined by G.S. 89A-1(3).
- (3) Experience credits shall be based on a full-time work week of 40 hours and a work year of at least 2,000 hours. Part-time work must be fully described and can be given proportional credit.
- (4) One cannot receive experience credit if the work is fulfilling an educational requirement.

*History Note: Authority G.S. 89A-3.1; 89A-4(a), (b);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. January 1, 2008; August 1, 1993; August 1, 1988; November 1, 1980; July 2, 1979.*

21 NCAC 26 .0302 TEMPORARY PERMIT

*History Note: Authority G.S. 89A-3.1; 89A-4(c);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. October 1, 1988;
Temporary Repeal Eff. October 1, 1997;
Temporary Repeal Expired July 12, 1998;
Repealed Eff. August 1, 2000.*

21 NCAC 26 .0303 CERTIFICATE OF RECIPROCITY

(a) To assure that the requirements of the other state are at least equivalent to those of this state, an applicant for a certificate of registration by reciprocity shall show education and experience equal to those required of applicants residing in this state who seek registration by examination.

(b) An application for a certificate of registration by reciprocity must be made on the form provided by the board and must be accompanied by the fee.

(c) To be approved for a certificate of registration by reciprocity, the applicant must meet the following requirements:

- (1) Provide evidence of having successfully completed the examination published by the Council of Landscape Architectural Registration Boards or hold a certificate issued by the Council of Landscape Architectural Registration Boards; and
- (2) Provide certification from the proper official of any state having a landscape architectural registration act that the individual is currently registered and in good standing in that state.

- (3) In lieu of the requirements of Subparagraph (1) of this Paragraph an applicant for reciprocity who was licensed prior to the adoption of a national examination shall show proof of having met the requirements of their licensing state at the time of their licensure.
- (4) Submit such additional information concerning the applicant's qualifications as may be requested by the board.
- (5) Submit examples of work upon request.

History Note: Authority G.S. 89A-3.1(3); 89A-4(c);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. January 1, 2008; August 1, 1988; July 1, 1984.

21 NCAC 26 .0304 ANNUAL RENEWAL
21 NCAC 26 .0305 DENIAL: REVOCATION OR SUSPENSION OF CERTIFICATE

History Note: Authority G.S. 89A-3(c); 89A-5; 89A-7;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. November 8, 1978;
Repealed Eff. August 1, 1988.

21 NCAC 26 .0306 REINSTATEMENT AFTER REVOCATION

Any person whose certificate of registration is revoked shall be reinstated at any time by majority vote of the board if there is a finding that the cause for revocation no longer exists.

History Note: Authority G.S. 89A-3.1;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. December 1, 2005.

21 NCAC 26 .0307 CONTINUING EDUCATION AS A CONDITION OF ANNUAL RENEWAL

(a) In order for a licensee to qualify for license renewal as a Landscape Architect in North Carolina, the licensee must have completed 10 contact hours of continuing education within the previous year. Such continuing education shall be obtained by active participation in courses, seminars, sessions or programs approved by the Board.

(b) To be acceptable for credit toward this requirement, all courses, seminars, sessions or programs shall first be submitted to a five member Advisory Committee of North Carolina licensed Landscape Architects appointed by the Chairman of the Board with the advice and consent of the Board. The Continuing Education Advisory Committee shall recommend any course, seminar, session or program for continuing education credit to the Board that the Advisory Committee finds to meet the criteria in Paragraph (b)(1)(2) of this Rule. Advisory Committee members shall be reimbursed per diem and travel expenses for official meetings at rates equivalent to rates allowed for Board members. Advisory Committee members shall serve at the discretion of the Board.

- (1) Each course, seminar, session or program to be recommended for approval by the Board shall, in the opinion of a majority of the members of the Advisory Committee, have a direct relationship to the practice of Landscape Architecture as defined in Chapter 89A of the General Statutes of North Carolina and contain elements which will enhance the health, safety and welfare of the citizens of North Carolina served by North Carolina licensed Landscape Architects.
- (2) The Continuing Education Advisory Committee shall meet at least once during each three month quarter of the year and act on each course, seminar, session or program properly submitted for its review. Each program shall be recommended for approval, recommended for disapproval or deferred for lack of information. Programs recommended for approval shall be accompanied by a brief statement of findings by the committee of how the program meets the criteria established by this Rule. Programs deferred for lack of information shall be deferred only once; and if information is still

lacking when next considered, the program shall be recommended for disapproval. Programs may be recommended for pre-approval by the Advisory Committee before they actually occur.

(c) Documentation of compliance with this Section shall be by affidavit provided on the application for license renewal. Erroneous or false information attested to by the licensee shall be deemed as grounds for denial of license renewal and possible suspension of license or denial of consideration for future license reinstatement, at the discretion of the Board.

(d) Twenty contact hours within the previous two years shall be allowed for license renewals during the period of July 1, 1995 to June 30, 1996.

History Note: Authority G.S. 89A-3(c); 89A-5;
Eff. May 1, 1990;
Amended Eff. March 1, 1996.

SECTION .0400 - RULES: PETITIONS: HEARINGS

21 NCAC 26 .0401 RULE MAKING PROCEDURES

In accordance with G.S. 150B-16, any person desiring the adoption, amendment or repeal of a rule by the board shall submit a petition to the board containing the following information:

- (1) Name of board;
- (2) A draft of the proposed rule;
- (3) Reasons for the adoption, amendment or repeal;
- (4) Data supporting the proposed rule;
- (5) The effect of the proposal on existing rules;
- (6) Effects of the proposed rule on persons licensed under Chapter 89A of the General Statutes of North Carolina;
- (7) Names (including addresses if known) of those most likely to be affected by the rule; and
- (8) Name(s) and address(es) of petitioner(s).

History Note: Authority G.S. 89A-3; 150B-12; 150B-16;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. August 1, 1988; April 1, 1983.

21 NCAC 26 .0402	CONTENTS OF PETITION
21 NCAC 26 .0403	DISPOSITION OF PETITIONS
21 NCAC 26 .0404	NOTICE OF RULEMAKING HEARINGS
21 NCAC 26 .0405	NOTICE MAILING LIST
21 NCAC 26 .0406	ADDITIONAL INFORMATION
21 NCAC 26 .0407	REQUEST TO PARTICIPATE
21 NCAC 26 .0408	CONTENTS OF REQUEST: GENERAL TIME LIMITS
21 NCAC 26 .0409	RECEIPT OF REQUEST: SPECIFIC TIME LIMITS
21 NCAC 26 .0410	WRITTEN SUBMISSIONS
21 NCAC 26 .0411	PRESIDING OFFICER: POWER AND DUTIES
21 NCAC 26 .0412	STATEMENT OF REASONS FOR DECISION
21 NCAC 26 .0413	RECORD OF PROCEEDINGS
21 NCAC 26 .0414	EMERGENCY RULES

History Note: Authority G.S. 89A-3(c); 150A-11; 150A-12; 150A-13; 150A-16;
Eff. February 1, 1976;

Readopted Eff. September 30, 1977;
Repealed Eff. May 1, 1983.

SECTION .0500 - BOARD DISCIPLINARY PROCEDURES

21 NCAC 26 .0501	SUBJECTS OF DECLARATORY RULINGS (REPEALED)
21 NCAC 26 .0502	SUBMISSION OF REQUEST FOR RULING (REPEALED)
21 NCAC 26 .0503	DISPOSITION OF REQUESTS (REPEALED)
21 NCAC 26 .0504	RECORD OF DECISION (REPEALED)
21 NCAC 26 .0505	EFFECTIVE DATE (REPEALED)

History Note: Authority G.S. 89A-3(c); 150A-11; 150A-17;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. May 1, 1983.

21 NCAC 26 .0506	IMPROPER PRACTICE BY A REGISTRANT
21 NCAC 26 .0507	GENERAL RULES
21 NCAC 26 .0508	OPPORTUNITY FOR LICENSEE OR APPLICANT TO HAVE HEARING
21 NCAC 26 .0509	CONDUCT OF CONTESTED CASE

History Note: Authority G.S. 89A-3-(c); 89A-3A;
Temporary Adoption Eff. October 1, 1997;
Temporary Adoption Expired July 12, 1998.

21 NCAC 26 .0510 DISCIPLINARY REVIEW PROCESS

(a) General. Allegations or evidence of a violation of the Landscape Architecture Licensing Act or the rules in this Chapter shall be subject to Board investigation and may be subject to disciplinary action by the Board.

(b) Preliminary Review.

- (1) Upon receipt of a complaint involving a registrant, an investigation shall be initiated by the Board's Chairman.
- (2) A written notice and explanation of the allegation shall be forwarded to the person or firm against whom the charge is made and a response shall be requested of the person or firm so charged within 30 days of receipt of said notice to show compliance with all lawful requirements for retention of the certificate of registration. Notice of the charge and of the alleged facts or alleged conduct shall be given personally or by certified mail, return receipt requested.
- (3) In the discretion of the Board Chair, a field investigation may be performed.
- (4) After preliminary evidence has been obtained, the Board Chair shall either:
 - (A) recommend dismissal of the charge, or;
 - (B) refer the matter to the Disciplinary Review Committee.
- (5) If the Board Chair recommends dismissal, the Chairman shall give a summary report to the Board and a vote shall be called to dismiss the complaint. If the Board does not vote to dismiss the complaint, the matter shall be forwarded to the Disciplinary Review Committee for further consideration.

(c) The Disciplinary Review Committee.

- (1) The Disciplinary Review Committee shall be made up of a minimum of one member of the Board and the Board Chair.
- (2) Upon review of the evidence, the Disciplinary Review Committee shall present to the Board a written recommendation that may include the following:
 - (A) The charge be dismissed as unfounded or that the Board is without jurisdiction over the matter;
 - (B) The charge is admitted as true, whereupon the Board may accept the admission of guilt by the person charged and sanction the individual or company accordingly;
 - (C) The Board accept a proposed settlement negotiated in an effort to resolve the alleged violations; or
 - (D) The charge be presented to the full Board for a hearing and determination of sanctions by the Board in accordance with the substantive and procedural requirements of the provisions of G.S. 150B.

(d) Consultant. A consultant to the Disciplinary Review Committee shall be designated by the legal counsel of the Board if the Chair of the Disciplinary Review Committee determines that it needs assistance. The consultant shall be a currently registered Landscape Architect, selected from former Board members or other registered professionals who are knowledgeable with the Board's processes and have expressed an interest in serving as a consultant. The consultant shall review all case materials and assist the Disciplinary Review Committee in making a recommendation as to the merits of the case.

(e) Board Decision. At least 15 days written notice of the date of consideration by the Board of the recommendations of the Disciplinary Review Committee shall be given to the party against whom the charges have been brought and the party submitting the charge.

(f) Settlement Conference. When the Board issues a notice of hearing, the registrant may request in writing a settlement conference to pursue resolution of the issue(s) through informal procedures. If, after the completion of a settlement conference, the registrant and Board's Disciplinary Review Committee do not agree to a resolution of the dispute for the full Board's consideration, the original disciplinary review process shall commence. During the course of the settlement conference, no sworn testimony shall be taken.

History Note: Authority G.S. 89A-3.1; 89A-7;
Eff. December 1, 2005.

SECTION .0600 - ADMINISTRATIVE HEARINGS: PROCEDURES

21 NCAC 26 .0601	RIGHT TO HEARING
21 NCAC 26 .0602	REQUEST FOR HEARING
21 NCAC 26 .0603	GRANTING OR DENYING HEARING REQUESTS
21 NCAC 26 .0604	NOTICE OF HEARING
21 NCAC 26 .0605	NO EX PARTE COMMUNICATIONS
21 NCAC 26 .0606	PETITION FOR INTERVENTION
21 NCAC 26 .0607	TYPES OF INTERVENTION
21 NCAC 26 .0608	HEARING OFFICER: DESIGNATION: POWERS
21 NCAC 26 .0609	DISQUALIFICATION OF HEARING OFFICERS

History Note: Authority G.S. 89A-3(c); 150A-23(a); 150A-23(c); 150A-23(d); 150A-32; 150A-33;
150A-35;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. May 1, 1983.

SECTION .0700 - ADMINISTRATIVE HEARINGS: DECISIONS: RELATED RIGHTS

21 NCAC 26 .0701	FAILURE TO APPEAR
21 NCAC 26 .0702	SIMPLIFICATION OF ISSUES
21 NCAC 26 .0703	SUBPOENAS
21 NCAC 26 .0704	FINAL DECISIONS IN ADMINISTRATIVE HEARINGS
21 NCAC 26 .0705	PROPOSALS FOR DECISIONS

History Note: Authority G.S. 89A-3(c); 150A-25(a); 150A-27; 150A-33(5); 150A-34(a),(b),(c);
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. November 8, 1978;
Repealed Eff. May 1, 1983.

SECTION .0800 - JUDICIAL REVIEW

21 NCAC 26 .0801	RIGHT TO JUDICIAL REVIEW
21 NCAC 26 .0802	MANNER OF SEEKING REVIEW: TIME FOR FILING PETITION: WAIVER

History Note: Authority G.S. 89A-3(c); 150A-43; 150A-45;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Repealed Eff. May 1, 1983.