

Readopt with amendment Lsa 500, effective 9-30-14 (Document #10679), to read as follows:

CHAPTER Lsa 500 ETHICAL STANDARDS AND PROFESSIONAL CONDUCT;

PART Lsa 501 ETHICAL STANDARDS AND PROFESSIONAL CONDUCT

Lsa 501.01 Purpose and Scope.

(a) The purpose of this chapter is ~~to~~ to establish and maintain a high standard of integrity, skills, and practice in the profession of landscape architecture.

(b) This chapter shall be binding upon every person holding a license to practice landscape architecture issued by the board or OPLC.

Lsa 501.02 Obligation To ~~Obey~~ Comply.

(a) The ethical standards set forth in this part shall bind all licensees, and violation of any such standard shall constitute misconduct subject to disciplinary action.

(b) All persons licensed under RSA 310-A:140-160 shall be considered to have knowledge of the existence of these ethical standards/~~and~~ rules of professional conduct, and shall be deemed to be familiar with their several provisions. Such knowledge shall encompass the understanding that the practice of landscape architecture is a privilege, as opposed to a right, and the licensee shall be forthright and candid in the licensee's statements or written response to the board, the OPLC, or its representatives, on matters pertaining to professional conduct.

Lsa 501.03 Professional Standards of Conduct.

(a) Licensees shall ~~not~~ attempt to practice in any professional field in which the licensee is not licensed and competent.

(b) Licensees shall ~~undertake only~~ undertake ~~only~~ work only for which the licensee is qualified by education and experience.~~;~~ ~~and~~

(c) When serving as an expert or technical witness before any court, commission, or other tribunal, licensees shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the testimony.

Lsa 501.04 Conflicts of Interest

(a) Licensees shall clearly identify themselves, their employer, and the interests they represent;

(b) Licensees shall clearly define the scope of their responsibility in connection with work for which the landscape architect is claiming responsibility.

(c) Licensees shall promptly and fully disclose to the client/~~or~~ employer all conflicts of interest, and the licensee shall act immediately to resolve the conflict.

(d) Licensees shall disclose fully to ~~the~~ their clients any financial or purchase interest the licensee has in the land on which ~~he or she is~~ they are working.

Lsa 501.05 Professional Integrity.

(a) Licensees shall not knowingly issue a false statement or false information.;

(b) Licensees shall advertise only in truthful manner, stating the services the licensee is qualified and prepared to perform.

(c) Licensees shall not falsify or permit misrepresentation or exaggeration of the licensee's or the licensee's associates', academic or professional qualifications.

(d) Licensees shall not misrepresent or exaggerate the licensee's degree of responsibility in, or for the subject matter of, prior assignments.

(e) Licensees shall not misrepresent pertinent facts in brochures or other presentations incident to the solicitation of employment concerning employers, employees, associates, joint ventures, or the licensee or their past accomplishments with the intent and purpose of enhancing the licensee's qualifications and work.

(f) Licensees shall not engage in or participate in professional or business practices of a fraudulent or dishonest nature.

(g) Licensees shall ~~N~~ not attempt to injure by false statement or dishonest action either directly or indirectly, the professional reputation, prospects, or business of another.

(h) Licensees shall be objective and truthful in all professional reports, statements, or testimony, and include only relevant and pertinent information in such reports, statements, or testimony.

(i) Licensees shall conscientiously avoid conflicts of interest or the appearance of such conflicts.

Lsa 501.06 Disclosures.

(a) Licensees shall ~~D~~ disclose fully all direct or indirect costs or obligations of services provided, by the licensee or under the licensee's supervision, including hourly or daily rates and commissions.;

(b) Licensees shall ~~P~~ provide complete services requested by client or disclose clearly that such services cannot be provided. ;

(c) Licensees shall ~~N~~ not disclose information concerning the affairs of the landscape architect's client without the client's express permission. ;

(d) Licensees shall ~~N~~ not accept compensation or expenses from more than one employer~~/~~ or client for the same service, unless the parties involved are informed and consent. ; ~~and~~

(e) Licensees shall ~~N~~ not solicit or accept gratuities or referral fees, directly or indirectly, from contractors, their agents, or other parties dealing with the licensee's client in connection with the work for which the licensee is responsible.

(f) Licensees shall issue no statements, criticisms, or arguments on landscape architecture matters that are inspired or paid for by an interested party, or parties, unless such comments are prefaced by explicit identification of the licensee and by disclosing the identities of the party or parties on whose behalf the licensee is speaking.

Lsa 501.07 Contractual Conduct and Practice

(a) Licensees shall, at all times in the performance of services, abide by applicable federal, state and municipal laws and regulations.

(b) When asked to practice landscape architecture ~~which~~ in a way that deviates from accepted professional standards, the licensees shall advise the client or employer in writing in advance of the known consequences of such deviation.

(c) While in public service as a member, advisor, or employee of a governmental body or department, licensees shall not participate in considerations or actions with respect to private landscape architecture services provided by the licensee or by the licensee's organization. ;

(d) Unless the circumstances are fully disclosed to all parties, licensees shall not solicit or accept a landscape architecture contract from a government body on which a principal or officer of the licensee's organization serves as a member.

(e) Licensees shall not contract for the completion of another licensee's contracted work unless reasonable effort has been made to consult with the prior licensee by letter sent via U.S. mail or electronic mail.

Lsa 501.08 Duty to Cooperate.

(a) Licensees shall ~~Cooperate~~ with investigations and requests for information from the ~~board~~ OPLC and the ~~board's~~ OPLC's representatives. ;

(b) Licensees shall ~~Present~~ information to the ~~board of landscape architects~~ OPLC for action, in accordance with Plc 204.02, if the licensee has evidence of unprofessional conduct of another landscape architect provided that the licensee possesses reasonably clear evidence that such misconduct is occurring.

(c) Licensees shall report to OPLC, in accordance with Plc 204.02, any person who the licensee believes to be ~~is~~ practicing as a landscape architect without a license or otherwise violating RSA 310-A:140-160.

(d) Licensees shall submit only truthful and correct information in any application or other document filed with or statement made to the OPLC. ;

(e) Licensees shall comply with Plc 307.

Lsa 501.09 Seals and Endorsements.

(a) Licensees shall not allow any other person to use the licensee's seal recognizing that the seal indicates the licensee's personal responsibility for the work bearing the licensee's seal.

(b) Licensees shall not affix a signature or seal to any map or document dealing with subject matter in which the licensee lacks competence by virtue of education and experience.

Text added to existing rules shown in ***bold italics***
Text deleted from existing rules shown ~~struck through~~

(c) Licensees shall not affix the licensee’s signature or seal to any map or document not prepared by licensee or under the licensee's direct supervisory control.

(d) Licensees shall affix seal to all plans, maps, and reports submitted for regulatory approval prepared by the licensee.

(e) Licensees shall affix their seal and signature to drawings and documents depicting the work of 2 or more professionals provided the licensee designates by a note under their seal the specific subject matter for which the licensee is responsible.

APPENDIX I

RULE	STATUTE IMPLEMENTED
Lsa 501	RSA 310-A:143, I(f); RSA 310-A:152
Lsa 502 (repeal)	RSA 310-A:143, I(f)

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