

CLARB MODEL RULES OF PROFESSIONAL CONDUCT (Feb. 2007)

Competence

(A) In engaging in the practice of landscape architecture, a registered landscape architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by registered landscape architects of good standing, practicing in the same locality.

(B) In designing a project, a registered landscape architect shall take into account all applicable state and municipal building laws and regulations. While a registered landscape architect may rely on the advice of other professionals, (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, a registered landscape architect shall not knowingly design a project in violation of such laws and regulations.

(C) A registered landscape architect shall undertake to perform professional services only when he or she, together with those whom the registered landscape architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.

(D) No individual shall be permitted to engage in the practice of landscape architecture if, in the Board's judgement, such individual's professional competence is substantially impaired by physical or mental disabilities.

Conflict of Interest

(A) A registered landscape architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to by (such disclosure and agreement to be in writing) all interested parties.

(B) If a registered landscape architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with his or her performance of professional services, the registered landscape architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and, if the client or employer objects to such association or financial interest, the registered landscape architect will either terminate such association or interest or offer to give up the commission or employment.

(C) A registered landscape architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(D) When acting as the interpreter of building contract documents and the judge of contract performance, a registered landscape architect shall render decisions impartially, favoring neither party to the contract.

Full Disclosure

(A) A registered landscape architect, making public statements on landscape architectural questions, shall disclose when he or she is being compensated for making such statements.

(B) A registered landscape architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

(C) If, in the course of his or her work on a project, a registered landscape architect becomes aware of a decision taken by his or her employer or client, against such registered landscape architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the registered landscape architect's judgment, materially and adversely affect the safety to the public of the finished project, the registered landscape architect shall:

- 1 report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations;
- 2 refuse to consent to the decision; and
- 3 in circumstances where the registered landscape architect reasonably believes that other such decisions will be taken, notwithstanding his or her objections, terminate his or her services with respect to the project. In the case of a termination in accordance with this clause (3), the registered landscape architect shall have no liability to his or her client or employer on account of such termination.

(D) A registered landscape architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for a registration or renewal thereof.

(E) A registered landscape architect shall not assist the application for a registration of an individual known by the registered landscape architect to be unqualified in respect to education, training, experience or character.

(F) A registered landscape architect possessing knowledge of a violation of the provisions set forth in these rules by another registered landscape architect shall report such knowledge to the Board.

Compliance with Laws

(A) A registered landscape architect shall not, while engaging in the practice of landscape architecture, knowingly violate any state or federal criminal law.

(B) A registered landscape architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the registered architect is interested.

(C) A registered landscape architect shall comply with the registration laws and regulations governing his or her professional practice in any jurisdiction.

Professional Conduct

(A) Each office in **Idaho** maintained for the preparation of drawings, specifications, reports or other professional landscape architectural work shall have a registered landscape architect resident and regularly employed in that office having direct supervision of such work.

(B) A registered landscape architect shall not sign or seal drawings, specifications, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the registered landscape architect's consultants, registered under this or another professional registration of **Idaho**, the registered landscape architect may sign or seal that portion of the professional work if the registered landscape architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.

(C) A registered landscape architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the registered landscape architect is interested.

(D) A registered landscape architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

Design and Use of Landscape Architect's Seal

(A) Pursuant to **Title 54, Chapter 3003, I.C.**, each registered landscape architect shall procure a seal, which shall contain the name of the registered landscape architect; his or her registration number **and the name of the state issuing the registration**; and the words REGISTERED LANDSCAPE ARCHITECT. This seal shall comply with the requirements of law and rule.

(B) As required by **Title 54, Chapter 3003, I.C.**, these seals shall be imprinted on all technical submissions, as follows: On each design and each drawing; on the cover and index pages identifying each set of specifications; and on the cover page (and index, if applicable) of all other technical submissions. The original signature of the individual named on the seal shall appear across the face of each original seal imprint.

(C) The seal appearing on any technical submission shall be *prima facie* evidence that said technical submission was prepared by or under the direct supervision of the individual named on said seal.

(D) All technical submissions prepared by a registered landscape architect shall contain the following legend wherever the landscape architect's seal appears: "The professional services of the landscape architect are undertaken for and are performed in the interest of **[name of person employing landscape architect]**. No contractual obligation is assumed by the landscape architect for the benefit of any other person involved in the project."