



NAYLOR & HALES, P.C.
ATTORNEYS AT LAW

Roger J. Hales

Direct Line: 947-2080
E-mail: rjh@naylorhales.com

Kirtlan G. Naylor
Roger J. Hales
Bruce J. Castleton
James R. Stoll

Robert G. Hamlin,
Of Counsel

February 27, 2009

Jim Thurns, P.E.
Ada County Engineer
Ada County Development Services
200 West Front
Boise, ID 83702-7300

RECEIVED
MAR 03 2009
OCCUPATIONAL LICENSES

Re: *Board of Landscape Architects*

Dear Mr. Thurns:

I represent and write on behalf of the Idaho State Board of Landscape Architects (the "Board"). The Board is the only regulatory authority governing the practice of landscape architecture in the state of Idaho. At a recent Board meeting, the Board fielded a concern from a licensed landscape architect that Ada County Assistant Engineer David Wells is requiring that grading and drainage plans and calculations prepared by a licensed landscape architect will only be accepted when sealed by a registered professional engineer. The Board would respectfully request you review Mr. Wells' or the County's position.

Not only are landscape architects uniquely qualified and licensed to prepare, seal and be the registered design professional in responsible charge for grading and drainage plans, but Ada County's own code allows for a landscape architect (design professional) to prepare and seal plans designated as "engineered grading" (*see* Ada County Code 7-2-10, and as amended by Ordinance 560, Section 5F). Further, requiring an engineer to seal plans prepared by a landscape architect could violate the limitations placed upon professional engineers through their own law.

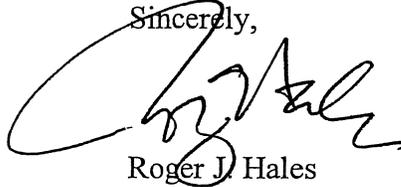
This is not a new issue for the Board or landscape architects in general. In an effort to stop discrimination against licensed landscape architects in this state, this profession has for a number of years tried to educate members of the public, as well as local government officials, of the scope of their practice as set by state law. If necessary, the Board would be happy to provide additional documentation as to the scope of practice as set in state law. This letter is intended to informally resolve this matter, by asking that you acknowledge and confirm a licensed landscape architect's ability to prepare, seal and be the registered design professional in responsible charge for "engineered grading" plans for developments in Ada County, Idaho.

COPY

Jim Thurns, P.E., Ada County Engineer
Ada County Development Services
February 27, 2009
Page 2

If you have further questions in this regard, please do not hesitate to contact the Board, or myself. The Board and I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger J. Hales", written over the word "Sincerely,".

Roger J. Hales

RJH:dr

cc. ✓ State Board of Landscape Architects c/o Idaho Bureau of Occupational Licenses
Idaho Board of Professional Engineers and Professional Land Surveyors
Theodore E. Argyle, Chief Deputy, Civil Division, Ada County Prosecutor's Office
David Wells, Assistant Engineer, Ada County

M:\BOLA\Landscape Architect\Letters\4773 Ada County - Thurns 01.wpd