

1 SB357  
2 158237-1  
3 By Senator Whatley  
4 RFD: Governmental Affairs  
5 First Read: 13-FEB-14

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8 SYNOPSIS: Under existing law, the maximum  
9 administrative fine that the Board of Examiners of  
10 Landscape Architects may levy on a licensee is \$250  
11 and the licensee is not responsible for any of the  
12 costs relating to a disciplinary action.

13 This bill would increase the maximum  
14 administrative fine to \$2,500 and would authorize  
15 the board to assess costs relating to a  
16 disciplinary action against an accused who is found  
17 guilty.

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19 A BILL  
20 TO BE ENTITLED  
21 AN ACT

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23 To amend Section 34-17-5, Code of Alabama 1975,  
24 relating to disciplinary actions conducted by the Board of  
25 Examiners of Landscape Architects; to increase the maximum  
26 administrative fine from \$250 to \$2,500; and to authorize the

1 board to assess costs relating to a disciplinary action  
2 against an accused who is found guilty.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 34-17-5 of the Code of Alabama  
5 1975, is amended to read as follows:

6 "§34-17-5.

7 "(a) Each of the following facts shall constitute a  
8 ground for disciplinary action:

9 "(1) That the holder of a certificate of  
10 registration is practicing in violation of the provisions of  
11 this chapter or the rules and regulations of the board;

12 "(2) That the holder of a certificate has obtained  
13 the certificate by fraud or misrepresentation, or that the  
14 person named in the certificate has obtained it by fraud or  
15 misrepresentation;

16 "(3) That the holder of a certificate is  
17 impersonating a landscape architect or former landscape  
18 architect of the same or similar name, or is practicing under  
19 an assumed, fictitious or corporate name;

20 "(4) That the holder of a certificate has aided or  
21 abetted in the practice of landscape architecture any person  
22 not authorized to practice landscape architecture under the  
23 provisions of this chapter;

24 "(5) That, in the practice of landscape  
25 architecture, the holder of a certificate has been guilty of  
26 fraud or deceit;

1           "(6) That, in the practice of landscape  
2 architecture, the holder of a certificate has been guilty of  
3 negligence or willful misconduct;

4           "(7) That the holder of a certificate has been  
5 guilty of gross incompetence; or

6           "(8) That the holder of a certificate has affixed  
7 his or her signature to plans, drawings, specifications, or  
8 other instruments of service which have not been prepared by  
9 him or her or under his or her immediate and responsible  
10 direction or has permitted his or her name to be used for the  
11 purpose of assisting any person, not a landscape architect, to  
12 evade the provisions of this chapter.

13           "(b) For violations of the preceding subsection, or  
14 for violations of the provisions of this chapter, or for  
15 violations of board rules and regulations, the board shall  
16 have the following disciplinary powers:

17           "(1) To reprimand a board licensee;

18           "(2) To levy an administrative fine against a  
19 licensee of the board not to exceed ~~\$250~~ two thousand five  
20 hundred dollars (\$2,500) per violation;

21           "(3) To refuse to issue a certificate to an  
22 applicant of the board;

23           "(4) To suspend a licensee's certificate for a  
24 definite period of time; or

25           "(5) To revoke the certificate of a licensee. The  
26 board shall by rule and regulation adopt a disciplinary code.

1                   "(c) The board may assess a portion or all of the  
2 costs of a disciplinary proceeding conducted pursuant to this  
3 section against the accused, if he or she is found guilty of  
4 the charges."

5                   Section 2. This act shall become effective on the  
6 first day of the third month following its passage and  
7 approval by the Governor, or its otherwise becoming law.