

**MEMORANDUM**

**TO:** Amy Kobe, Ohio Landscape Architects Board

**FROM:** Paula Steele, Regulatory Policy Advocate

**DATE:** August 28, 2014

**RE:** **CSI Review – 2014 Rule Update** (OAC 4703:1-01 through 4703:1-04, 4703:2-01 through 4703:2-07, 4703:3-01, 4703:3-03 through 4703:3-06, 4703:3-08 through 4703:3-10, 4703:3-12, and 4703:3-13)

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This Ohio Architects Board rule package consists of twenty-one proposed rules. Six of the proposed rules are being amended and fifteen are no-change rules. Except for the proposed amended rule 4703:2-07, all rules are being submitted as five-year reviews as required by ORC 119.032. The proposed rules address applications, examinations, and certification for architects practicing in Ohio. This rule package was submitted to the CSI Office on July 21, 2014 with the comment period ending on August 1, 2014. Eight comments were received during the public comment period. Two comments contained specific suggestions, one comment was seeking clarification and the remaining five comments did not provide specific commentary on the proposed rules.

The Chapter 4703:1 rules include three no-change rules related to Definitions, Applications, and Certificates. The Fees rule (4703:1-04) is being amended to comply with the recently-enacted Senate Bill 68 which eliminated fees for emeritus architects and to restore revoked certificates of qualifications. Other fees provided in the rule – including application and reciprocal registration

fees, penalty fees for late renewals and restorations, and more – remain unchanged.

Except for the Training Requirements (4703:2-04) and Reciprocity (4703:2-05) rules, all other rules in Chapter 4703:2 contain proposed amendments. The amendments to the Examination (4703:2-01) and Educational Requirements and Credits (4703:2-03) rules were driven by changes in the National Council of Architectural Registration Boards policy. The Program Providing for Reimbursement of IDP Enrollment Fees rule (4703:2-06) was amended to provide clarification in the application process, and finally, the Continuing Education rule (4703:2-07) was amended to accommodate the recently-enacted House Bill 488 (military veterans).

The only other amended rule in this rule package, Seal Requirements (4703:3-01), was changed to align the rule with building department requirements. As a result of the amendments, however, there were comments requesting a clarification regarding the seal requirements in electronic documents because of the impracticalities of the requirements in actual practice. While the comments do not substantively change the determination over the rule's adverse impact to business as defined by ORC 107.52, Board staff agreed that clean-up language was necessary for the proposed rule, and indicated that it will likely revise the proposed rule to mitigate the concerns.

The remaining no-change rules in 4703:3 address the provisions governing certification of architectural firms, firm names, branch offices, interstate practice, injunctions, professional responsibility, written contracts, authorship and control, design-build contractual relationships, and communications. During final review of these no-change rules, it was noted that within the Injunctions rule (4703-3-06), paragraph (C) refers to "provisions of paragraph (D) of this rule;" however, paragraph (D) does not exist.

The CSI Office followed up with Board staff to request a revised BIA to include additional information about the public purpose of the proposed rules, the adverse impacts to business and the justification of those impacts. Following review of the revised BIA, the CSI Office has determined it is willing to support the Board moving forward with the rule package after it addresses the recommendation below.

### **Recommendations**

1. Revise 4703-3-06 to correct the reference to paragraph (D).

### **Conclusion**

After the Board addresses the recommendation above, it should file this proposed rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office