Chapter 671

1963 REPLACEMENT PART

Architects; Landscape Architects

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ARCHITECTS

671.010 Definitions for ORS 671.010 to 671.220. As used in ORS 671.010 to 671.220, unless the context requires otherwise:

(1) "Architect" means an individual qualified and licensed to practice architecture under ORS 671.010 to 671.220.

(2) "Board" means the State Board of Architect Examiners.

(3) "Building" means any structure consisting of foundations, floors, walls and roof, having footings, columns, posts, girders, beams, joists, rafters, bearing partitions, or a combination of any number of these parts, with or without other parts or appurtenances thereto.

(4) "Practice of architecture" means any one or combination of the following practices by a person: The planning, designing or supervision of the erection, enlargement or alteration of any building or of any appurtenance thereto other than exempted buildings. "Practice of architecture" does not include any contractor or his duly appointed superintendent or foreman directing the work of erection, enlargement or alteration of any building or any appurtenance thereto, under the supervision of a registered architect or registered professional engineer, as provided by ORS 671.010 to 671.220.

(5) "Registered professional engineer" means a person defined by and described in subsection (4) of ORS 672.010.

[Amended by 1957 c.408 §1; 1961 c.585 §1]

671.020 Practice of architecture without certificate of registration prohibited; use of stamp; architect to practice under his own name, exceptions. (1) In order to safeguard life, health and property and to eliminate unnecessary loss and waste in this state, no person shall practice the profession of architecture or assume or use the title of architect, or any title, sign, cards or device indicating, or tending to indicate, that such person is practicing architecture or is an architect, or represent in any manner that he is an architect, without first qualifying before the board or obtaining a certificate of registration as provided by ORS 671.010 to 671.220.

(2) No person shall practice or attempt to practice the profession of architecture, or assume the title of "architect," or use in connection with his business any words, letters or figures indicating the title "architect" without first complying with ORS 671.010 to 671.220.

(3) Every registered architect shall, upon registration, obtain a stamp of the design authorized by the board, bearing the name of the registrant and the legend "Registered Architect, State of Oregon." All drawings and the title page of all specifications issued from the office of a registered architect shall bear his stamp and be countersigned by him.

(4) A licensed architect shall pursue his profession under his own name only, as it appears in his license, except as provided by ORS 671.040.

[Amended by 1955 c.407 §1; 1957 c.408 §2; 1961 c.585 §4]

671.025 Certain plans to carry stamp. Any person applying for a license or permit required under the laws of this state or the ordinances of the county or city in which the person proposed to erect, construct, enlarge, alter, repair, move, improve, remove or convert a building shall submit an original or reproduction of the plans and specifications for the work proposed. The plans and specifications shall bear the stamp of a registered architect, or of a registered professional engineer, where the services of a registered architect or of a registered professional engineer are required by the provisions of ORS 671.010 to 671.220, and shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed and that the work proposed conforms to ORS 671.010 to 671.220 and to any applicable laws and ordinances.

[1961 c.585 §3]

671.030 Activities not considered as "practice of architecture." (1) ORS 671.010 to 671.220 shall not be construed to affect or prevent the practice of naval or landscape architecture or of engineering by a registered professional engineer or to any person engaged in architecture or engineering work as an employe of an architect or registered professional engineer; nor shall it prevent draftsmen, clerks of the work, superintendents and other employes of registered architects and registered professional engineers, under provisions of ORS 671.010 to 671.220, from acting under the instructions, control or supervision of their employers. Such persons shall not use the designation "architect," "architectural" or "architecture" unless licensed under the provisions of ORS 671.010 to 671.220.

(2) Nothing contained in ORS 671.010 to 671.220 shall prevent any person from making plans, specifications for, or supervising the erection, enlargement or alteration of a building, or any appurtenance thereto, if the building is to be used for a single family residential building or farm building or is a structure used in connection with or auxiliary to a single family dwelling or farm building, such as a three-car garage, barn, shed, shelter used for the housing of domestic animals, livestock, etc.; nor shall anything in ORS 671.010 to 671.220 prevent any person from making plans, specifications for, or supervising the erection, enlargement or alteration of any building, or any appurtenance thereto, where the building has a ground area of 4,000 square feet or less and is not more than 20 feet in height from the top surface of lowest flooring to the highest interior overhead finish of the structure.

(3) Nothing in ORS 671.010 to 671.220 shall prevent a person from planning, designing, specifying or supervising the alterations or repairs to a building when the structural part of a building, i.e., the foundation walls, floors, roof, footings, bearing partitions, beams, columns, joists, etc., is not involved.

(4) Nothing in ORS 671.010 to 671.220 shall prevent a person practicing marine, naval or landscape architecture from designating himself as a marine, naval or landscape architect as long as his work is confined and limited to work coming under those classifications.

[Amended by 1955 c.407 §2; 1957 c.408 §3]

671.040 Practice of corporations and partnerships; partnerships of registered architects and professional engineers. (1) No corporation or stock company is entitled to a certificate to practice architecture and shall not be permitted to engage in or practice architecture.

(2) Registered architects or registered architects and professional engineers may engage in the practice of architecture or architecture and engineering as a partnership. The firm name or title used shall contain the name or names of one or more of the registered architect or architects and the registered professional engineer or engineers of the firm. A firm may be composed of an equal number of architects and engineers or a greater number of architects than engineers. A firm may be composed of a greater number of engineers than architects but in such case shall not represent itself primarily as architects. All letterheads and stationery of the firm shall contain the names of all the members of said firm, each of whom shall be a registered architect or a registered professional engineer, and may contain the name or names of one or more of the associates, each of whom shall also be a registered architect or a registered professional engineer.

(3) When any change in the personnel of the partnership occurs, whether by withdrawal, addition, resignation or death, the partnership shall make and file with the secretary of the board a sworn statement giving the names and addresses of all members. Nothing in this section prevents the surviving members of a partnership from continuing to use the existing firm name as long as it is necessary to complete work already contracted for, but in no case for longer than three years. Upon the expiration of this time or upon any change, alteration or addition to the old firm name, the name of the deceased or retired member or partner shall be dropped.

[Amended by 1961 c.585 §5]

671.050 Application for certificate of registration; qualifications; fee. (1) Any person desiring the right to practice the profession of architecture in this state shall make application to the board 15 days prior to any meeting of the board upon such forms and in such manner as may be provided by the board. In addition to the qualifications required by ORS 671.010 to 671.220, each applicant shall be a citizen of the United States, or a person who has declared his intention of becoming a citizen of the United States, and shall be of good moral character and at least 21 years of age.

(2) Each applicant for a certificate of registration shall pay to the treasurer of the board a fee of $20.

671.060 Examination of applicants; issuing certificates. (1) Examinations of applicants for certificates of registration shall be made by the board according to the method deemed by it to be the most practicable to test the applicants' qualifications. Examinations shall be written or oral and the subjects of the examination shall be as follows: Mechanics as applied to building; superintendence, materials and construction;

history of architecture in relation to architectural design; planning and design; practical knowledge of sanitary and electrical installation, heating and ventilating.

(2) A certificate of registration shall be granted to all applicants who after the examinations are, in the opinion of a majority of the board, properly qualified. A certificate shall be denied to applicants who, in the opinion of the majority of the board, are not properly qualified.

671.070 Reciprocity. Any person who is a registered or certified architect in another state where the qualifications are equal to those required in this state shall, in the discretion of the board, be entitled to a certificate of registration without examination.

671.080 Annual renewal fee; time for payment; effect of failure to pay; abandonment of practice. Every person holding a certificate of registration, as provided for in ORS 671.010 to 671.220, who desires to continue to practice his profession in this state, shall annually, during the time he continues to practice, pay to the treasurer of the board during the month of July a fee in such amount, not to exceed $20, as the board may deem necessary to meet the necessary expenses for carrying out the provisions of ORS 671.010 to 671.220; and the secretary thereupon shall issue to such registered architect a certificate of renewal of his registration for a period of one year. Upon failure to have his certificate renewed during the month of July of each year, the holder thereof shall be deemed to have forfeited his right to practice architecture within Oregon, but the failure to renew his registration in proper time shall not deprive him of his right to renew the certificate either before October 1, without penalty, upon payment of renewal fees or after October 1, upon payment of renewal fees plus a penalty of $1 for each month or fraction thereof during which the default continues after October 1. Any person who fails to pay the renewal fee, with accrued penalties, for a period of one year, shall forfeit the right to practice architecture in this state and may be reinstated as an architect only upon passing the examinations and paying the fees required for securing an original certificate of registration as an architect. A registered architect, giving up his practice in this state while he is in good standing with the board, may resume his practice at any time upon the payment of the annual fee for renewal of registration for the current year.

[Amended by 1957 c.408 §4]

671.090 Grounds for denial or revocation of certificates. The board may refuse to grant or may revoke a certificate of registration to practice architecture in this state upon the following grounds:

(1) The employment of fraud or deception in applying for a certificate of registration or in passing an examination as provided in ORS 671.010 to 671.220.

(2) Upon proof that the holder of the certificate of registration is falsely impersonating a practitioner or former practitioner.

(3) That the holder of a certificate is practicing under an assumed, fictitious, or a corporate name contrary to the provisions of ORS 671.010 to 671.220.

(4) Upon proof that the holder of the certificate of registration is guilty of fraud or deceit, or of gross negligence, incompetency or misconduct in the practice of architecture.

(5) For the conviction of a crime involving moral turpitude, or proof of habitual intemperance, the using of morphine, opium, cocaine or other drugs having similar effect, by the holder of the certificate of registration.

(6) Upon proof that the holder of the certificate of registration wilfully evaded or tried to evade any law, ordinance, code or regulation of the state, or counties and cities of this state, governing construction or buildings.

(7) Upon proof that the holder of the certificate of registration permitted his seal to be affixed to any plans, specifications or drawings that were not prepared by him or under his personal supervision by his regularly employed subordinate.

(8) Upon proof that the holder of the certificate of registration received, unbeknown to a party for whom he is doing work, rebates, commissions, grants of moneys or favors which he is not entitled to or justified in receiving.

(9) Upon proof that the holder of the certificate is practicing contrarv to the provisions and requirements of ORS 671.010 to 671.220.

671.100 Revocation of certificates or disciplinary action by board. (1) The board may revoke, suspend or annul the certificate

of registration to practice architecture in this state of an architect, or reprimand, censure or otherwise discipline an architect, as provided in this section.

(2) Any person may prefer charges against a holder of a certificate of registration to practice architecture. The charges shall be in writing and sworn to by the complainant. They shall be forwarded to the board which shall act on the charges at its next regular meeting. Any person who is a holder of a certificate of registration, or who is an applicant for a certificate of registration, against whom any of the grounds for revoking or refusing a certificate of registration set forth in ORS 671.090 is presented to the board with a view of having the board revoke or refuse to grant a certificate of registration, shall be furnished with a copy of the complaint and shall have a hearing before the board in person or by attorney. Witnesses may be examined by the board respecting the guilt or innocence of the accused.

671.110 Appeal from action of board. (1) In case of refusal or revocation of a license by the board under ORS 671.010 to 671.220, the applicant whose application is refused, and the licentiate whose license is revoked by the board, may appeal from the decision refusing or revoking the license within 30 days after the filing of the decision in the office of the secretary of the board. The appeal shall be to the circuit court for the county in which such applicant or licentiate resides or has his principal office.

(2) A person desiring to take an appeal shall serve, or cause to be served, upon the secretary of the board, a written notice of appeal containing a statement of the grounds of appeal and shall file in the office of the secretary an appeal bond with good and sufficient surety, to be approved by the secretary, to the State of Oregon, conditioned for the speedy prosecution of the appeal and the payment of such cost as may be adjudged against him upon the appeal. The secretary shall, within 10 days after the service of the notice of appeal and the filing and approval of the appeal bond, transmit the record to the clerk of the circuit court, together with the bond and notice of appeal. The clerk of the court shall thereupon docket the appeal cause, and it shall stand for trial in all respects as an ordinary civil action, and proceedings be had thereon as in a suit in equity. The court may affirm or reverse the decision of the board or may remand the cause to the board for further proceedings.

(3) Either party may appeal from the judgment of the circuit court to the Supreme Court in like manner as in civil actions. No costs shall be adjudged or taxed against the board.

[Amended by 1955 c.407 §3]

671.120 State Board of Architect Examiners; number of members; qualifications. A board hereby is established within the Department of Commerce to be known as the State Board of Architect Examiners. The board shall be composed of five architects who shall be residents of Oregon and shall have resided and practiced the profession of architecture in this state for a period of not less than five years.

[Amended by 1963 c.580 §24]

Note: Chapter 580, Oregon Laws 1963, establishing the Department of Commerce, becomes operative not later than July 1, 1964, and stands repealed on July 1, 1967.

671.130 Board members; appointment; terms; oath; filling vacancies; removal. Annually, upon the expiration of the term of a board member, the Director of Commerce, with the approval of the Governor, shall appoint an architect possessing the qualifications prescribed in ORS 671.120 as a member of the board to serve for a period of four years. Each member of the board shall take and subscribe an oath of office calling for the faithful performance of duty and shall file the oath with the Secretary of State. The Director of Commerce, by appointment, subject to the approval of the Governor, shall fill any vacancy on the board caused by death, or otherwise, the appointee to serve for the unexpired term. The Director of Commerce may remove, for inefficiency or neglect of duty, any member of the board.

[Amended by 1963 c.580 §25]

671.140 Officers of board. The board shall elect annually a president, vice president, secretary and treasurer, who shall with the exception of the secretary be chosen by the members from among themselves.

671.150 Meetings of board; time for examinations; quorum. The board shall meet for the purpose of conducting examinations at least once each year during the month of March at such time and place as the board shall designate and may meet at such other

times and places as to the board seem necessary. A majority of the board shall constitute a quorum.
[Amended by 1957 c.408 §5]

671.160 Record of board proceedings. The secretary of the board shall keep a record of the proceedings of the board which shall be at all times during business hours open to public inspection.

671.165 Biennial report of state boards of architect and landscape architect examiners. The board in conjunction with the State Board of Landscape Architect Examiners shall publish and present to the Governor biennially a report of the financial and other affairs of the board and of the State Board of Landscape Architect Examiners for the biennium preceding the report.
[1961 c.431 §27]

671.170 Powers of board. The board may:

(1) Adopt a seal which shall be affixed to all certificates of registration issued by it.

(2) Adopt a schedule of minimum educational requirements.

(3) Have authority to administer oaths, take affidavits, summon witnesses and take testimony as to matters pertaining to its duties.

(4) Make such rules and regulations in compliance with ORS 183.310 to 183.510 as are necessary to carry out and enforce ORS 671.010 to 671.220.

(5) Employ such special agents, investigators, clerical assistants, attorneys and accountants as are necessary to carry out and enforce ORS 671.010 to 671.220.
[Amended by 1961 c.585 §6]

671.180 [Repealed by 1961 c.585 §8]

671.190 Mileage and expenses of board members. The members of the board shall receive mileage at the rate applicable to state officers for each mile necessarily traveled in going to and from any meeting of the board and also their hotel bills and incidental expenses; but no member of the board shall receive any other compensation for his services as a member of the board. This section does not prevent the board from employing a secretary, who need not be an architect, at such salary as the board may determine. The mileage and other incidental expenses necessarily connected with the board shall be paid only out of the funds of the board.
[Amended by 1957 c.408 §6]

671.200 Bond of treasurer. The treasurer of the board shall give bond in such sum and with such sureties as the board may deem proper. The bond shall be approved by the Attorney General and filed in the office of the Secretary of State.

671.210 Disposition of fees; continuing appropriation; accounting for receipts and disbursements; report. (1) All fees received by the board under ORS 671.010 to 671.220 shall be paid to the treasurer of the board who shall pay them into the State Treasury monthly. The fees shall be by the State Treasurer placed to the credit of the General Fund, and any such payments when so made shall constitute and be considered as, and hereby are made, an appropriation of such sums or amounts from the General Fund for the purpose of carrying out the provisions of ORS 671.010 to 671.220. All necessary expenses of the board incurred in carrying out the provisions of ORS 671.010 to 671.220 shall be audited by the Secretary of State and paid from the funds provided in ORS 671.010 to 671.220 in the same manner as other claims against the state are paid, after approval thereof by the president and treasurer of the board.

(2) The secretary and treasurer shall keep a true and accurate account of all sums received and of vouchers issued by the board, and on December 1 of each year, they shall file with the Director of Commerce a report of all receipts and disbursements and the proceedings of the board for the fiscal year.
[Amended by 1955 c.407 §4]

Note: Pursuant to section 8 of chapter 580, Oregon Laws 1963, the Legislative Counsel has substituted "Director of Commerce" for "Governor" in ORS 671.210.

671.220 Enforcement of ORS 671.010 to 671.220; maintenance of proceedings relating to professional services. (1) The district attorneys shall prosecute all persons charged with the violation of any of the provisions of ORS 671.010 to 671.220. The secretary of the board shall, under the direction of the board, aid the district attorneys in the enforcement of ORS 671.010 to 671.220.

(2) If the board decides that any person has or is about to engage in an activity that is or will be a violation of any provision of ORS 671.020 or 671.040, the board may institute a proceeding in an appropriate circuit court to restrain the activity or proposed activity. An injunction may be issued without proof of actual damages, but does not relieve

the defendant from criminal prosecution for violation of ORS 671.010 to 671.220. The board may employ special counsel for the proceeding or, upon request of the board, the district attorney for the county in which the proceeding is to be brought shall enforce this subsection.

(3) No person practicing architecture is entitled to maintain a proceeding in any court of this state relating to his services in practicing architecture unless he alleges and proves that he was licensed to practice architecture under ORS 671.010 to 671.220 at the time his services were rendered.

[Amended by 1961 c.585 §7]

671.230 to 671.300 [Reserved for expansion]

LANDSCAPE ARCHITECTS

671.310 Definitions for ORS 671.310 to 671.480. As used in ORS 671.310 to 671.480, unless the context requires otherwise:

(1) "Board" means the State Board of Landscape Architect Examiners.

(2) "Landscape architecture" or the "practice of landscape architecture" means the preparation of plans and specifications and supervising the execution of projects involving the arranging of land and the elements used thereon for public and private use and enjoyment, embracing drainage, soil conservation, grading and planting plans and erosion control, in accordance with the accepted professional standards of public health and safety.

[1961 c.431 §1; 1963 c.580 §31]

Note: Pursuant to section 26 of chapter 580, Oregon Laws 1963, the Legislative Counsel has substituted for "subboard" in ORS 671.310 to 671.480, words designating the State Board of Landscape Architect Examiners.

671.320 Use of title "landscape architect" without registration prohibited; use of stamp. (1) Unless he is a landscape architect registered under the provisions of ORS 671.310 to 671.480 or holds a permit issued under ORS 671.390, an individual shall not use the title of landscape architect, or any title, sign, card or device indicating, or tending to indicate, or represent in any manner that he is a landscape architect.

(2) ORS 671.310 to 671.480 is not intended to restrict or otherwise affect the right of any individual to practice architecture under ORS 671.010 to 671.220, or engineering under ORS 672.010 to 672.340, or to engage in the occupation of growing and marketing nursery stock, or to use the title "nurseryman" or "landscape nurseryman" provided that no individual shall use the title "landscape architect" unless he has complied with the provisions of ORS 671.310 to 671.480.

(3) Each landscape architect may, upon registration, obtain a stamp of the design authorized by the State Board of Landscape Architect Examiners, bearing the name of the registrant, date of registration, number of certificate and the legend "registered landscape architect." All professional documents, including maps, plans, designs, drawings, specifications, estimates and reports, issued by a registrant may be stamped only while the registrant's certificate is in full force and effect.

[1961 c.431 §2]

Note: See note for ORS 671.310.

671.330 Application for registration; fees; examinations. (1) Any individual desiring to be registered as a landscape architect may apply in writing to the State Board of Landscape Architect Examiners, upon such form and in such manner as provided by the board.

(2) Except as provided in ORS 671.360, each application shall include or be accompanied by evidence, under oath or affirmation and satisfactory to the board, that the applicant possesses the qualifications prescribed by ORS 671.340.

(3) Except as provided in ORS 671.360, each applicant for registration as a landscape architect shall include in his application a request for examination. Each applicant who requests examination shall pay to the board at the time of filing his application a fee of $20.

(4) The board shall annually examine, or cause to have examined, at such times and places as it may determine, applicants for registration as landscape architects who request examination under subsection (3) of this section. The examinations shall be designed to ascertain that an applicant is qualified in the theory and practice of landscape architecture.

[1961 c.431 §§4, 5]

Note: See note for ORS 671.310.

671.340 Examination of applicants; qualifications. Except as provided in ORS 671.360, each applicant for registration as a landscape architect shall pass to the satisfaction of the State Board of Landscape Architect Examiners an examination conducted by the board to determine the fitness of the

applicant for registration, be 21 years of age or older, and:

(1) Have been graduated from a school of landscape architecture with a four-year curriculum, which school is approved by the board, and have two years of training-experience under the supervision of a landscape architect registered under the provisions of ORS 671.310 to 671.480 or other qualified person approved by the board; or

(2) Have been graduated from a school of landscape architecture with a five-year curriculum, which school is approved by the board, and have one year of training-experience under the supervision of a landscape architect registered under the provisions of ORS 671.310 to 671.480 or other qualified person approved by the board; or

(3) Have completed seven years of work related to the practice of landscape architecture. Such work must have been under the supervision of a landscape architect registered under the provisions of ORS 671.310 to 671.480 or other qualified person approved by the board. Each year of education completed in a school of landscape architecture approved by the board shall be considered to be equivalent to one year of such work.

[1961 c.431 §3]

Note: See note for ORS 671.310.

671.350 [Reserved for expansion]

671.360 Reciprocity. (1) The State Board of Landscape Architect Examiners, in its discretion, may register as a landscape architect, without examination, any individual who is 21 years of age or older, and who:

(a) Applies for such registration as provided in subsection (1) of ORS 671.330; and

(b) On the date of making application is a landscape architect licensed or registered under the laws of any other state or territory of the United States, if the requirements for the licensing or registration of landscape architects in the state or territory in which the applicant is licensed or registered on the date of his licensing or registration in such state or territory were substantially equal to the requirements for the registration of landscape architects in this state on the date of his application.

(2) Each applicant under this section shall pay to the board at the time of filing his application an original registration fee in the amount provided in subsection (2) of ORS 671.370.

[1961 c.431 §7]

Note: See note for ORS 671.310.

671.370 Certificate of registration; fees. (1) The State Board of Landscape Architect Examiners shall register as a landscape architect each applicant who demonstrates to the satisfaction of the board his fitness for such registration as provided in ORS 671.310 to 671.480.

(2) Each applicant under ORS 671.330 shall pay to the board upon his registration as a landscape architect an original registration fee to be determined by the board and uniformly required of all applicants, but not to exceed $40.

(3) The board shall issue to each individual registered a certificate of registration. The certificate shall be prima facie evidence of the right of the individual to whom it is issued to represent himself as a landscape architect, subject to the provisions of ORS 671.310 to 671.480.

(4) Upon payment to the board of a fee of $10 the board shall furnish to any landscape architect registered under the provisions of ORS 671.310 to 671.480 a duplicate of his certificate of registration.

[1961 c.431 §§8, 11]

Note: See note for ORS 671.310.

671.380 Renewal of registration; fees; effect of failure to renew. Each landscape architect registered under the provisions of ORS 671.310 to 671.480 shall apply to the State Board of Landscape Architect Examiners on or before February 15 of each year for a renewal of his registration. Each applicant for renewal of his registration shall pay to the board at the time of filing his application therefor a fee to be determined by the board and uniformly required of all applicants for renewal of registration, but not to exceed $40. The board may, in its discretion, suspend the registration of any landscape architect registered under the provisions of ORS 671.310 to 671.480 who fails to renew his registration and pay the fee therefor. The board may reinstate any registration so suspended upon the payment of all past renewal fees.

[1961 c.431 §9]

Note: See note for ORS 671.310.

671.390 Temporary permit; fees; qualifications; duration. (1) The State Board of Landscape Architect Examiners, in its discretion, and without examination, may issue to a landscape architect practicing outside this state a permit to assume or use the

title of landscape architect for a specific, designated and described site within this state if the landscape architect:

(a) Applies in writing to the board, upon such form and in such manner as provided by the board, for a permit, and pays to the board at the time of filing his application a fee of $25.

(b) Is 21 years of age or older.

(c) Presents satisfactory evidence to the board that he is competent to practice landscape architecture.

(2) The board, in its discretion, may designate a specific period for which the permit issued under subsection (1) of this section shall be valid. Upon expiration of the period designated for the permit a new permit may be issued upon application in the manner provided in this section.
[1961 c.431 §10]

Note: See note for ORS 671.310.

671.400 Grounds for denial, revocation or suspension of registration. The State Board of Landscape Architect Examiners may refuse to register any applicant, may refuse to renew the registration of any landscape architect registered under the provisions of ORS 671.310 to 671.480, may suspend for a period not exceeding one year or revoke the registration of any landscape architect registered under the provisions of ORS 671.310 to 671.480 or a permit issued under ORS 671.390 to a person who:

(1) Has obtained or attempted to obtain registration, or a permit, under ORS 671.310 to 671.480 by fraud or material misrepresentation.

(2) Is impersonating or has attempted to impersonate a landscape architect or a former landscape architect, or is practicing under an assumed or fictitious name.

(3) Is found by the board to have been guilty of fraud, deceit or gross negligence in the practice of landscape architecture.

(4) Has affixed his signature to plans, drawings, specifications or other professional documents which have not been prepared by him or under his immediate and responsible direction or has permitted his name to be used for the purpose of assisting any individual, not a landscape architect, to evade the provisions of ORS 671.310 to 671.480.
[1961 c.431 §13]

Note: See note for ORS 671.310.

671.410 Hearing on denial, suspension or revocation. Under ORS 671.400, the State Board of Landscape Architect Examiners shall not refuse to renew the registration of any landscape architect registered under the provisions of ORS 671.310 to 671.480 or suspend or revoke the registration of any landscape architect registered under the provisions of ORS 671.310 to 671.480 or a permit issued under ORS 671.390, without at least 20 days' notice to the applicant, registered landscape architect or individual who holds a permit, who shall be entitled to a hearing by the board under ORS 183.310 to 183.510. At least 10 days before the date of the hearing the board shall notify the applicant, registered landscape architect or individual who holds a permit of the nature of the matters to be presented at such hearing. Within 30 days after the hearing, the board shall give notice of its final decision to the applicant, registered landscape architect or individual who holds a permit.
[1961 c.431 §14]

Note: See note for ORS 671.310.

671.420 Renewal or reissuance after revocation for gross negligence. After revocation of the registration of a landscape architect registered under the provisions of ORS 671.310 to 671.480 for gross negligence in the practice of landscape architecture as provided in subsection (3) of ORS 671.400 the State Board of Landscape Architect Examiners may not renew or reissue such license without an examination. The individual whose registration is revoked may file a new application for an examination with the board, and upon showing that all loss caused by the gross negligence for which the license was revoked has been fully satisfied and that all conditions imposed by the decision of revocation have been complied with, the board may at its discretion issue a new license.
[1961 c.431 §16]

Note: See note for ORS 671.310.

671.430 Administrative procedures; rules and regulations. (1) Unless otherwise provided in ORS 671.410, the administrative procedures of the State Board of Landscape Architect Examiners shall be governed by ORS chapter 183, and the chairman of the board and his authorized representatives may administer oaths, take depositions and issue subpenas to compel the attendance

of witnesses and the production of books, papers, records, memoranda or other information necessary to the carrying out of ORS 671.310 to 671.480.

(2) Subject to the provisions of ORS chapter 183, the board may promulgate and from time to time modify or rescind such reasonable rules and regulations as it deems necessary to facilitate the carrying out of its functions as provided in ORS 671.310 to 671.480 and to carry out the provisions and purposes of ORS 671.310 to 671.480.
[1961 c.431 §15]

Note: See note for ORS 671.310.

671.440 Prohibitions. No person shall:

(1) Obtain or attempt to obtain registration as a landscape architect or a permit under ORS 671.390 by fraud or material misrepresentation.

(2) Wilfully make a false oath or affirmation under subsection (1) or (2) of ORS 671.330, ORS 671.360 or 671.390.
[1961 c.431 §12]

671.450 Investigation of violations of ORS 671.310 to 671.480. The State Board of Landscape Architect Examiners may, upon its own motion or upon the verified complaint in writing of any person, investigate any alleged violation of ORS 671.310 to 671.480. The board may, in its discretion, disregard any complaint filed more than two years after the act or omission alleged as a violation of ORS 671.310 to 671.480.
[1961 c.431 §21]

Note: See note for ORS 671.310.

671.455 State Board of Landscape Architect Examiners. (1) The State Board of Landscape Architect Examiners is established within the Department of Commerce. The board shall consist of three members to be appointed by the Director of Commerce with the approval of the Governor. The members shall be appointed to hold office for a period of four years, but any member may be removed by the Director of Commerce at any time for cause. Each of the members shall be a landscape architect registered under the provisions of ORS 671.310 to 671.480, and shall be a resident of this state. In case of a vacancy for any cause the Director of Commerce, with the approval of the Governor, shall make an appointment for the unexpired term.

(2) Each member of the State Board of Landscape Architect Examiners shall serve without compensation but, subject to any other applicable law regulating travel and other expenses for state officers, shall receive his reasonable and necessary travel and other expenses incurred in performing the duties of his office.
[1963 c.580 §28]

Note: See note for ORS 671.120.

671.460 [1961 c.431 §§17, 19, 20; repealed by 1963 c.580 §103]

671.465 Chairman; meetings; quorum. (1) The State Board of Landscape Architect Examiners shall select one of its members as chairman, who shall preside at all meetings of the board. In the absence of the chairman some other member of the board may serve as chairman. The board shall meet for the transaction of business at least once each half year at such time and place as the board may designate, and may also meet upon call of the chairman.

(2) A majority of the board shall constitute a quorum for the transaction of business. A vacancy on the board shall not impair the right of the remaining members to perform all the duties and exercise all the functions and authority of the board.
[1963 c.580 §29]

671.470 [1961 c.431 §22; repealed by 1963 c.580 §103]

671.475 Administrative services; reimbursement. (1) Unless otherwise provided by the Director of Commerce, the State Board of Landscape Architect Examiners shall utilize the physical facilities and administrative staff of the State Board of Architect Examiners for the discharge of all of the board's administrative duties required of it in connection with the administration and enforcement of the provisions of ORS 671.310 to 671.480. Except as otherwise provided by the Director of Commerce, the board shall pay to the State Board of Architect Examiners annually a proportionate share of the cost of such administrative services. Such proportionate share of the cost shall be fixed by annual negotiation between the board and the State Board of Architect Examiners. If the board and the State Board of Architect Examiners cannot reach agreement upon an amount representing such proportionate share of the cost by July 1 of each year, then such amount shall be determined by the Director of Commerce.

(2) Notwithstanding the provisions of subsection (1) of this section, the board may from time to time contract with independent inspectors, special agents or investigators

for such services as are necessary in the judgment of the board to carry out the functions of the board. Such employment shall be exempt from the provisions of the State Civil Service Law.
[1963 c.580 §30]

671.480 Deposit of funds; Landscape Architect's Account. On or before the 10th day of each month, the State Board of Landscape Architect Examiners shall pay into the State Treasury all moneys received by the board during the preceding calendar month. The State Treasurer shall credit 10 percent of the moneys to the General Fund to be available for the payment of general governmental expenses and shall credit 90 percent of the moneys to the Landscape Architect's Account of the General Fund, which account hereby is created. The moneys in the Landscape Architect's Account hereby are continuously appropriated to the board for the purpose of paying the expenses of administering and enforcing the provisions of ORS 671.310 to 671.480.
[1961 c.431 §23]

Note: See note for ORS 671.310.

671.490 to 671.980 [Reserved for expansion]

PENALTIES

671.990 Penalties. (1) Violation of any of the provisions of ORS 671.010 to 671.220 is punishable, upon conviction, by a fine of not more than $200 or by imprisonment in the county jail for not more than 60 days, or by both.

(2) Violation of any provision of subsection (1) of ORS 671.320 or of ORS 671.440 is a misdemeanor.
[Subsection (2) enacted as 1961 c.431 §24]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1963.

Sam R. Haley
Legislative Counsel