



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2574

Introduced 1/20/2006, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

225 ILCS 315/1	from Ch. 111, par. 8101
225 ILCS 315/2.5 new	
225 ILCS 315/3	from Ch. 111, par. 8103
225 ILCS 315/4	from Ch. 111, par. 8104
225 ILCS 315/4.5	
225 ILCS 315/6	from Ch. 111, par. 8106
225 ILCS 315/6.5 new	
225 ILCS 315/7	from Ch. 111, par. 8107
225 ILCS 315/8	from Ch. 111, par. 8108
225 ILCS 315/9	from Ch. 111, par. 8109
225 ILCS 315/10	from Ch. 111, par. 8110
225 ILCS 315/11	from Ch. 111, par. 8111
225 ILCS 315/11.5 new	
225 ILCS 315/12	from Ch. 111, par. 8112
225 ILCS 315/12.5 new	
225 ILCS 315/13	from Ch. 111, par. 8113
225 ILCS 315/15	from Ch. 111, par. 8115
225 ILCS 315/16	from Ch. 111, par. 8116
225 ILCS 315/17	from Ch. 111, par. 8117
225 ILCS 315/18	from Ch. 111, par. 8118
225 ILCS 315/18.1	
225 ILCS 315/19	from Ch. 111, par. 8119
225 ILCS 315/21	from Ch. 111, par. 8121
225 ILCS 315/22.1	
225 ILCS 315/23	from Ch. 111, par. 8123
225 ILCS 315/24	from Ch. 111, par. 8124
225 ILCS 315/25	from Ch. 111, par. 8125
225 ILCS 315/28	from Ch. 111, par. 8128
225 ILCS 315/5 rep.	

Amends the Illinois Landscape Architecture Act of 1989. Replaces all references to "Director of Professional Regulation" with "Secretary of Financial and Professional Regulation", all references to "Department of Professional Regulation" with "Department of Financial and Professional Regulation", and all references to "registration" with "licensure" throughout the Act. Adds provisions concerning the application of the Act, display of license, seal, and continuing education. Repeals a Section that exempts any person who engages in the practice of landscape architecture, but does not represent himself as, or use the titles of, "landscape architect" or "registered landscape architect" from the Act. Makes other changes. Effective January 1, 2007.

LRB094 18855 RAS 54284 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Landscape Architecture Act of 1989
5 is amended by changing Sections 1, 3, 4, 4.5, 6, 7, 8, 9, 10,
6 11, 12, 13, 15, 16, 17, 18, 18.1, 19, 21, 22.1, 23, 24, 25, and
7 28 and by adding Sections 2.5, 6.5, 11.5, and 12.5 as follows:

8 (225 ILCS 315/1) (from Ch. 111, par. 8101)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 1. Purpose; public policy. The practice of landscape
11 architecture in the State of Illinois is hereby declared to
12 affect the public health, safety, and welfare and to be subject
13 to regulation and control in the public interest. It is further
14 declared to be a matter of public interest and concern that the
15 practice of landscape architecture, as defined in this Act,
16 merit and receive the confidence of the public and that only
17 qualified persons be authorized to practice landscape
18 architecture in the State of Illinois. This Act shall be
19 liberally construed to best carry out these subjects and
20 purposes. It is the purpose of this Act to provide for the
21 registration of landscape architects.

22 (Source: P.A. 86-932.)

23 (225 ILCS 315/2.5 new)

24 (Section scheduled to be repealed on January 1, 2010)

25 Sec. 2.5. Application of Act. Nothing in this Act shall be
26 deemed or construed to prevent the practice of architecture, as
27 defined in the Architecture Practice Act of 1989, or the
28 practice of professional engineering, as defined in the
29 Professional Engineering Practice Act of 1989, by persons other
30 than those licensed in accordance with this Act, the
31 Architectural Practice Act of 1989, or the Professional

1 Engineering Practice Act of 1989. Nothing contained in this Act
2 shall prevent students, project representatives, or other
3 employees of those lawfully practicing as licensed landscape
4 architects under the provisions of this Act from acting under
5 the direct supervision and control of their supervisors or
6 employers or prevent such project representatives from acting
7 under the direct supervision and control of the licensed
8 landscape architect by whom the construction documents,
9 including drawings and specifications, were prepared. Nothing
10 in this Act shall be deemed or construed to prevent work
11 performed for a site plan for a one to 4 family residence that
12 does not exceed 2 stories, excluding the basement of the
13 residence.

14 (225 ILCS 315/3) (from Ch. 111, par. 8103)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 3. Definitions. As used in this Act:

17 (a) "Board" means the Illinois Landscape Architect
18 Licensing ~~Registration~~ Board.

19 (b) "Department" means the Illinois Department of
20 Financial and Professional Regulation.

21 (c) "Secretary ~~Director~~" means the Secretary ~~Director~~ of
22 Financial and Professional Regulation.

23 (d) "Landscape Architect" means a person who, based on
24 education, experience, or both in the field of landscape
25 architecture, is licensed ~~eligible to register~~ under this Act.

26 (e) "Landscape Architecture" means the art and science of
27 arranging land, together with the spaces and objects upon it,
28 for the purpose of creating a safe, efficient, healthful, and
29 aesthetically pleasing physical environment for human use and
30 enjoyment.

31 (f) "Landscape Architectural Practice" means the offering
32 or furnishing of professional services in connection with a
33 landscape architecture project including, but not limited to,
34 providing preliminary studies; developing design concepts;
35 planning for the relationships of physical improvements and

1 intended uses of the site; establishing form and aesthetic
2 elements; analyzing and providing for life safety
3 requirements; developing those construction details on the
4 site which are exclusive of any building or structure ~~and do~~
5 ~~not require the seal of an engineer, architect, or structural~~
6 ~~engineer~~; preparing and coordinating technical submissions;
7 and conducting site observation of a landscape architecture
8 project.

9 (g) "Person" means any person, sole proprietorship, or
10 entity such as a partnership, professional service
11 corporation, or corporation.

12 (Source: P.A. 86-932.)

13 (225 ILCS 315/4) (from Ch. 111, par. 8104)

14 (Section scheduled to be repealed on January 1, 2010)

15 Sec. 4. After the effective date of this Act, no person may
16 represent himself to be a landscape architect, ~~or~~ use the title
17 "landscape architect", ~~"registered landscape architect"~~, or
18 any other title which includes the words "landscape architect"
19 or "landscape architecture", or engage in landscape
20 architectural practice, unless licensed ~~registered~~ under this
21 Act.

22 (Source: P.A. 86-932.)

23 (225 ILCS 315/4.5)

24 (Section scheduled to be repealed on January 1, 2010)

25 Sec. 4.5. Unlicensed ~~Unregistered~~ practice; violation;
26 civil penalty.

27 (a) Any person who practices, offers to practice, attempts
28 to practice, or holds oneself out to practice landscape
29 architecture without being licensed ~~registered~~ under this Act
30 shall, in addition to any other penalty provided by law, pay a
31 civil penalty to the Department in an amount not to exceed
32 \$5,000 for each offense as determined by the Department. The
33 civil penalty shall be assessed by the Department after a
34 hearing is held in accordance with the provisions set forth in

1 this Act regarding the provision of a hearing for the
2 discipline of a licensee.

3 (b) The Department has the authority and power to
4 investigate any and all unlicensed activity.

5 (c) The civil penalty shall be paid within 60 days after
6 the effective date of the order imposing the civil penalty. The
7 order shall constitute a judgment and may be filed and
8 execution had thereon in the same manner as any judgment from
9 any court of record.

10 (Source: P.A. 89-474, eff. 6-18-96.)

11 (225 ILCS 315/6) (from Ch. 111, par. 8106)

12 (Section scheduled to be repealed on January 1, 2010)

13 Sec. 6. Issuance of license Certificate. Whenever an
14 applicant for licensure registration has complied with the
15 provisions of Section 11 of this Act, the Department shall
16 issue a license certificate of registration to the applicant as
17 a licensed registered landscape architect subject to the
18 provisions of this Act.

19 (Source: P.A. 86-932.)

20 (225 ILCS 315/6.5 new)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 6.5. Display of license; seal.

23 (a) Every holder of a landscape architect license shall
24 display it in a conspicuous place in his or her principal
25 office.

26 (b) Every licensed landscape architect shall have a
27 reproducible seal or facsimile the print of which shall contain
28 the name of the landscape architect, the license number, and
29 the words "Licensed Landscape Architect, State of Illinois".
30 The licensed landscape architect shall affix the signature,
31 current date, date of license expiration, and seal to the first
32 sheet of any bound set or loose sheets of technical submissions
33 utilized as contract documents between the parties to the
34 contract or prepared for the review and approval of any

1 governmental or public authority having jurisdiction by that
2 landscape architect or under that landscape architect's
3 responsible control. The sheet of technical submissions in
4 which the seal is affixed shall indicate those documents or
5 parts thereof for which the seal shall apply. The seal and
6 dates may be electronically affixed. The signature must be in
7 the original handwriting of the licensee. Signatures generated
8 by computer shall not be permitted. All technical submissions
9 issued by any corporation, partnership, professional service
10 corporation, or professional design firm as licensed under this
11 Act shall contain the corporate or assumed business name and
12 design firm license number, in addition to any other seal
13 requirements set forth in this Section.

14 (c) In this Section, "responsible control" means that
15 amount of control over, and detailed professional knowledge of,
16 the content of technical submissions during their preparation
17 as is ordinarily exercised by landscape architects applying the
18 required professional standard of care. Merely reviewing, or
19 reviewing and correcting, the technical submissions or any
20 portion thereof prepared by those not in the regular employment
21 of the office where the landscape architect is resident without
22 control over the content of such work throughout its
23 preparation does not constitute "responsible control".

24 (d) A landscape architect licensed under this Act shall not
25 sign and seal technical submissions that have not been prepared
26 by or under the responsible control of the architect, except
27 that:

28 (1) the landscape architect may sign and seal those
29 portions of the technical submissions that were prepared by
30 or under the responsible control of persons who hold a
31 license under this Act, and who have signed and sealed the
32 documents, if the architect has reviewed, in whole or in
33 part, such portions and has either coordinated their
34 preparation or integrated them into his or her work;

35 (2) the landscape architect may sign and seal portions
36 of the professional work that are not required by this Act

1 to be prepared by or under the responsible control of a
2 landscape architect, if the landscape architect has
3 reviewed and adopted, in whole or in part, such portions
4 and has integrated them into his or her work; and

5 (3) a partner or corporate officer of a professional
6 design firm registered in Illinois and licensed under this
7 Act, who has professional knowledge of the content of the
8 technical submissions and intends to be responsible for the
9 adequacy of the technical submissions, may sign and seal
10 technical submissions that are prepared by or under the
11 responsible control of architects who are licensed in this
12 State and who are in the regular employment of the
13 professional design firm.

14 (e) The landscape architect exercising responsible control
15 over the preparation of documents or portions of documents
16 shall be identified on the documents or portions of documents
17 by name and Illinois license number.

18 (f) Any licensed landscape architect who signs and seals
19 technical submissions not prepared by that landscape architect
20 but prepared under his or her responsible control by persons
21 not regularly employed in the office where the landscape
22 architect is resident shall maintain and make available to the
23 Board upon request for at least 5 years following such signing
24 and sealing, adequate and complete records demonstrating the
25 nature and extent of the landscape architect's control over and
26 detailed professional knowledge of such technical submissions
27 throughout their preparation.

28 (225 ILCS 315/7) (from Ch. 111, par. 8107)

29 (Section scheduled to be repealed on January 1, 2010)

30 Sec. 7. Current Address. Every landscape architect shall
31 maintain a current address with the Department. It shall be the
32 responsibility of the licensee ~~registrant~~ to notify the
33 Department in writing of any change of address.

34 (Source: P.A. 91-255, eff. 12-30-99.)

1 (225 ILCS 315/8) (from Ch. 111, par. 8108)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 8. Powers and Duties of the Department.

4 (a) The Department shall exercise the powers and duties
5 prescribed by the Civil Administrative Code of Illinois for the
6 administration of licensing acts and shall exercise such other
7 powers and duties vested by this Act.

8 (b) The Department shall promulgate rules and regulations
9 consistent with the provisions of this Act for the
10 administration and enforcement thereof which shall include
11 standards and criteria for licensure ~~registration~~ and for the
12 payment of fees connected therewith. The Department shall
13 prescribe forms required for the administration of this Act.

14 (c) The Department shall consult the ~~Landscape~~
15 ~~Architecture~~ Board in promulgating rules and regulations.
16 Notice of proposed rulemaking shall be transmitted to the Board
17 and the Department shall review the Board's response and any
18 recommendations made therein. The Department shall notify the
19 Board in writing of the explanation for any deviations from the
20 Board's recommendations and response.

21 (d) The Department may at any time seek the advice and the
22 expert knowledge of the Board on any matter relating to the
23 administration of this Act.

24 (e) The Department shall issue a quarterly report to the
25 Board setting forth the status of all complaints received by
26 the Department related to the landscape architecture practice.

27 (Source: P.A. 86-932.)

28 (225 ILCS 315/9) (from Ch. 111, par. 8109)

29 (Section scheduled to be repealed on January 1, 2010)

30 Sec. 9. Composition, qualification, and terms of Board.

31 (a) The Secretary ~~Director~~ shall appoint the Illinois
32 Landscape Architecture Licensing ~~a~~ Board consisting of 5
33 persons who are residents of the State of Illinois and who
34 shall be appointed by and shall serve in an advisory capacity
35 to the Secretary ~~Director~~. Four persons shall be individuals

1 experienced in landscape architectural work who would qualify
2 upon application to the Department under the provisions of this
3 Act to be licensed ~~registered~~ landscape architects, one of whom
4 shall be tenured member of the landscape architecture faculty
5 of the University of Illinois, and 3 of whom shall have engaged
6 in landscape architectural work for at least 5 years. The fifth
7 person shall be a public member, not an employee of the State
8 of Illinois, who is not licensed ~~registered~~ under this Act or a
9 similar Act of another jurisdiction. The public member may not
10 be elected or appointed as chairman of the Board or serve in
11 such capacity in any other manner.

12 (b) Members of the Board shall serve 5 year terms and until
13 their successors are appointed and qualified. No member shall
14 be reappointed to the Board for a term which would cause that
15 member's cumulative service on the Board to be longer than 10
16 years. No member who is an initial appointment to the Board
17 shall be reappointed to the Board for a term which would cause
18 that member's cumulative service on the Board to be longer than
19 13 years. Appointments to fill vacancies shall be made in the
20 same manner as original appointments for the unexpired portion
21 of the vacated term. Initial terms shall begin upon the
22 effective date of this Act.

23 (c) The Secretary ~~Director~~ may remove any member of the
24 Board for cause, which may include without limitation a member
25 who does not attend 2 consecutive meetings.

26 (d) The Secretary ~~Director~~ shall consider the
27 recommendations of the Board on questions involving standards
28 of professional conduct, discipline, and qualifications of
29 candidates and registrants under this Act.

30 (e) A quorum of the Board shall consist of a majority of
31 members currently appointed. A majority vote of the quorum is
32 required for Board ~~board~~ decisions.

33 (f) The Board shall annually elect a chairperson and vice
34 chairperson, both of whom shall be licensed landscape
35 architects.

36 (Source: P.A. 91-255, eff. 12-30-99.)

1 (225 ILCS 315/10) (from Ch. 111, par. 8110)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 10. Application for licensure ~~Registration~~. An
4 application for licensure ~~registration~~ shall be made to the
5 Department in writing on forms prescribed by the Department and
6 shall be accompanied by the required fee, which shall not be
7 returnable. The application shall require such information as,
8 in the judgment of the Department, will enable the Department
9 to pass on the qualifications of the applicant for licensure
10 ~~registration~~.

11 (Source: P.A. 86-932.)

12 (225 ILCS 315/11) (from Ch. 111, par. 8111)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 11. Licensure ~~Registration~~ Qualifications.

15 (a) Every person applying to the Department for licensure
16 ~~registration~~ shall do so on forms approved by the Department
17 and shall pay the required fee. Every person applying to the
18 Department for licensure ~~registration~~ shall submit, with his
19 application, satisfactory evidence that the person holds an
20 approved professional degree in landscape architecture from an
21 approved and accredited program, as such terms are defined by
22 the rules and regulations of the Department, and that he has
23 had such practical experience in landscape architectural work
24 as shall be required by the rules and regulations of the
25 Department. ~~Every In lieu of evidence of any approved~~
26 ~~professional degree in landscape architecture, the applicant~~
27 ~~may submit satisfactory evidence of such other education or~~
28 ~~experience as shall be required by the rules and regulations of~~
29 ~~the Department; provided, however, that after January 1, 1993~~
30 ~~every~~ applicant for initial licensure ~~registration~~ must have an
31 approved professional degree. If an applicant is qualified the
32 Department shall, by means of a written examination, examine
33 the applicant on such technical and professional subjects as
34 shall be required by the rules and regulations of the

1 Department.

2 (b) The Department may exempt from such written examination
3 an applicant who holds a certificate of qualification issued by
4 the National Council of Landscape Architecture Registration
5 Boards, or who holds a license ~~registration~~ in another state
6 which has equivalent or substantially equivalent requirements
7 as the State of Illinois.

8 (c) The Department shall adopt rules determining
9 requirements for practical training and education. The
10 Department may also adopt the examinations and recommended
11 grading procedures of the National Council of Landscape
12 Architectural Registration Boards and the accreditation
13 procedures of the Landscape Architectural Accrediting Board.
14 The Department shall issue a license ~~certificate of~~
15 ~~registration~~ to each applicant who satisfies the requirements
16 set forth in this Section. Such licensure ~~registration~~ shall be
17 effective upon issuance.

18 (d) If an applicant neglects, fails without an approved
19 excuse, or refuses to take an examination or fails to pass an
20 examination to obtain a license ~~certificate of registration~~
21 under this Act within 3 years after filing the application, the
22 application shall be denied. However, such applicant may
23 thereafter submit a new application accompanied by the required
24 fee.

25 (e) (Blank). ~~Any person who has been engaged in the~~
26 ~~practice of landscape architecture prior to the effective date~~
27 ~~of this Act, shall, upon application within 2 years from the~~
28 ~~effective date of this Act and upon payment of the required~~
29 ~~current registration fee and application fee, be issued~~
30 ~~registration without examination upon furnishing to the~~
31 ~~Department satisfactory proof that he was so engaged prior to~~
32 ~~such date. The Director, through the Board, shall accept as~~
33 ~~satisfactory evidence of the competency and qualifications of~~
34 ~~the applicant for registration the following:~~

35 ~~(1) A diploma of graduation or satisfactory completion~~
36 ~~certificate from a college, school, or university offering~~

1 ~~an accredited program in landscape architecture, together~~
2 ~~with evidence of at least 2 years of actual, practical~~
3 ~~experience in landscape architectural work of a grade and~~
4 ~~character acceptable to the Board; or~~

5 ~~(2) Evidence that the applicant has a total of at least~~
6 ~~7 years of actual, practical experience in landscape~~
7 ~~architectural work of a grade and character acceptable to~~
8 ~~the Board and has been actually engaged in the active~~
9 ~~practice of landscape architecture for not less than 4~~
10 ~~years immediately prior to the effective date of this Act.~~

11 (Source: P.A. 91-255, eff. 12-30-99.)

12 (225 ILCS 315/11.5 new)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 11.5. Registrants deemed licensed. Any landscape
15 architect registered under this Act on the effective date of
16 this amendatory Act of the 94th General Assembly shall be
17 deemed licensed under this Act until such time as his or her
18 registration expires or is placed on inactive status,
19 suspended, or revoked. Upon the expiration, placement on
20 inactive status, suspension, or revocation of the valid
21 registration, the requirements for license renewal, license
22 restoration, or administrative proceedings shall apply.

23 (225 ILCS 315/12) (from Ch. 111, par. 8112)

24 (Section scheduled to be repealed on January 1, 2010)

25 Sec. 12. ~~Licensure; renewal; restoration~~ ~~Registration,~~
26 ~~Renewal, Restoration.~~

27 (a) The expiration date and renewal period for each license
28 ~~registration~~ issued under this Act shall be prescribed by the
29 rules and regulations of the Department.

30 (b) Any person who has permitted his license ~~registration~~
31 to expire or who has had his license ~~registration~~ on inactive
32 status may have his license ~~registration~~ restored by applying
33 to the Department, filing proof acceptable to the Department of
34 his fitness to have the license ~~registration~~ restored, which

1 may include sworn evidence certifying to active practice in
2 another jurisdiction satisfactory to the Department and paying
3 the required restoration fee.

4 (c) If the person has not maintained an active practice in
5 another jurisdiction satisfactory to the Department, the Board
6 shall determine, by an evaluation program established by rule,
7 the person's fitness to resume active status and may require
8 the successful completion of an examination.

9 (d) However, any person whose license ~~registration~~ has
10 expired while he has been engaged: (1) in Federal Service on
11 active duty with the Armed Forces of the United States or the
12 State Militia called into service or training; or (2) in
13 training or education under the supervision of the United
14 States preliminary to induction into the military service, may
15 have his license ~~registration~~ renewed or restored without
16 paying any lapsed renewal fees if, within 2 years after
17 termination of such service, training or education other than
18 by dishonorable discharge, he furnishes the Department with
19 satisfactory evidence to the effect that he has been so engaged
20 and that the service, training or education has been so
21 terminated.

22 (e) Each application for renewal shall contain the
23 signature of the landscape architect.

24 (Source: P.A. 86-932.)

25 (225 ILCS 315/12.5 new)

26 (Section scheduled to be repealed on January 1, 2010)

27 Sec. 12.5. Continuing education. The Department may adopt
28 rules of continuing education for persons licensed under this
29 Act. The Department shall consider the recommendations of the
30 Board in establishing the guidelines for the continuing
31 education requirements. Rules adopted under this Section apply
32 to any person seeking renewal or restoration of licensure under
33 this Act.

34 (225 ILCS 315/13) (from Ch. 111, par. 8113)

1 (Section scheduled to be repealed on January 1, 2010)

2 Sec. 13. Inactive Status.

3 (a) Any landscape architect who notifies the Department in
4 writing on forms prescribed by the Department may elect to
5 place his license ~~registration~~ on an inactive status and shall
6 be excused from payment of renewal fees until he notifies the
7 Department in writing of his desire to resume active status.

8 (b) Any person whose license has been expired for more than
9 3 years may have his license restored by making application to
10 the Department and filing proof acceptable to the Department of
11 his fitness to have his license restored, including evidence
12 certifying to active practice in another jurisdiction, and by
13 paying the required restoration fee.

14 (c) Any landscape architect whose license ~~registration~~ is
15 in an inactive status, has been suspended or revoked, or has
16 expired shall not practice landscape architecture nor
17 represent himself to be a landscape architect or use the title
18 "landscape architect", "licensed~~registered~~ landscape
19 architect", or any other title which includes the words
20 "landscape architect".

21 (Source: P.A. 86-932.)

22 (225 ILCS 315/15) (from Ch. 111, par. 8115)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 15. Disposition of funds. All of the fees collected
25 pursuant to this Act shall be deposited in the General
26 Professions Dedicated Fund.

27 On January 1, 2000 the State Comptroller shall transfer the
28 balance of the monies in the Landscape Architects'
29 Administration and Investigation Fund into the General
30 Professions Dedicated Fund. Amounts appropriated for fiscal
31 year 2000 out of the Landscape Architects' Administration and
32 Investigation Fund may be paid out of the General Professions
33 Dedicated Fund.

34 The monies deposited in the General Professions Dedicated
35 Fund may be used for the expenses of the Department in the

1 administration of this Act.

2 Moneys from the Fund may also be used for direct and
3 allocable indirect costs related to the public purposes of the
4 Department of Financial and Professional Regulation. Moneys in
5 the Fund may be transferred to the Professions Indirect Cost
6 Fund as authorized by Section 2105-300 of the Department of
7 Professional Regulation Law (20 ILCS 2105/2105-300).

8 (Source: P.A. 91-239, eff. 1-1-00; 91-255, eff. 12-30-99;
9 92-16, eff. 6-28-01.)

10 (225 ILCS 315/16) (from Ch. 111, par. 8116)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 16. Roster. The Department shall maintain a roster of
13 the names and addresses of all licensed ~~registered~~ landscape
14 architects. This roster shall be available upon written request
15 and payment of the required fee.

16 (Source: P.A. 86-932.)

17 (225 ILCS 315/17) (from Ch. 111, par. 8117)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 17. Advertising. Any person licensed ~~registered~~ under
20 this Act may advertise the availability of professional
21 services in the public media or on the premises where such
22 professional services are rendered provided that such
23 advertising is truthful and not misleading.

24 (Source: P.A. 86-932.)

25 (225 ILCS 315/18) (from Ch. 111, par. 8118)

26 (Section scheduled to be repealed on January 1, 2010)

27 Sec. 18. Violation; injunction; cease and desist order.

28 (a) If any person violates the provisions of this Act, the
29 Secretary ~~Director~~ may, in the name of the People of the State
30 of Illinois, through the Attorney General of the State of
31 Illinois or the State's Attorney of any county in which the
32 action is brought, petition for an order enjoining such
33 violation and for an order enforcing compliance with this Act.

1 Upon the filing of a verified petition in court, the court may
2 issue a temporary restraining order, without notice or bond,
3 and may preliminarily and permanently enjoin such violation. If
4 it is established that such person has violated or is violating
5 the injunction, the Court may punish the offender for contempt
6 of court. Proceedings under this Section shall be in addition
7 to, and not in lieu of, all other remedies and penalties
8 provided by this Act.

9 (b) If any person shall practice landscape architecture or
10 hold himself out as a "landscape architect" ~~or "registered~~
11 ~~landscape architect"~~ without being licensed ~~registered~~ under
12 the provisions of this Act, then any licensed ~~registered~~
13 landscape architect, any interested party, or any person
14 injured thereby may, in addition to the Secretary ~~Director~~,
15 petition for relief as provided in subsection (a) of this
16 Section.

17 (c) Whoever holds himself out as a "landscape architect" or
18 a "licensed ~~registered~~ landscape architect" or engages in
19 landscape architectural practice in this State without being
20 licensed ~~registered~~ for that purpose shall be guilty of a Class
21 A misdemeanor, and for each subsequent conviction shall be
22 guilty of a Class 4 felony.

23 (d) Whenever, in the opinion of the Department, a person
24 violates any provision of this Act, the Department may issue a
25 rule to show cause why an order to cease and desist should not
26 be entered against that person. The rule shall clearly set
27 forth the grounds relied upon by the Department and shall allow
28 the person at least 7 days from the date of the rule to file an
29 answer that is satisfactory to the Department. Failure to
30 answer to the satisfaction of the Department shall cause an
31 order to cease and desist to be issued.

32 (Source: P.A. 88-363.)

33 (225 ILCS 315/18.1)

34 (Section scheduled to be repealed on January 1, 2010)

35 Sec. 18.1. Grounds for Discipline.

1 (a) The Department may refuse to issue, renew, or may
2 revoke, suspend, place on probation, reprimand, or take other
3 disciplinary action as the Department considers appropriate,
4 including the issuance of fines not to exceed \$1,000 for each
5 violation, with regard to any license for any one or more of
6 the following:

7 (1) Material misstatement in furnishing information to
8 the Department or to any other State agency.

9 (2) Negligent or intentional disregard of this Act, or
10 violation of any rules under this Act.

11 (3) Conviction of any crime under the laws of the
12 United States or any state or territory thereof that is a
13 felony, or that is a misdemeanor, an essential element of
14 which is dishonesty, or of any crime that is directly
15 related to the practice of the profession.

16 (4) Making any misrepresentation for the purpose of
17 obtaining a license, or violating any provision of this Act
18 or its rules.

19 (5) Professional incompetence or gross negligence in
20 the rendering of landscape architectural services.

21 (6) Aiding or assisting another person in violating any
22 provision of this Act or any rules.

23 (7) Failing to provide information within 60 days in
24 response to a written request made by the Department.

25 (8) Engaging in dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,
27 defraud, or harm the public and violating the rules of
28 professional conduct adopted by the Department.

29 (9) Habitual or excessive use or addiction to alcohol,
30 narcotics, stimulants, or any other chemical agent or drug
31 that results in an inability to practice with reasonable
32 skill, judgment, or safety.

33 (10) Discipline by another jurisdiction, if at least
34 one of the grounds for the discipline is the same or
35 substantially equivalent to those set forth in this
36 Section.

1 (11) Directly or indirectly giving to or receiving from
2 any person, firm, corporation, partnership, or association
3 any fee, commission, rebate, or other form of compensation
4 for any professional service not actually rendered.

5 (12) A finding by the Board that the licensee, after
6 having the license placed on probationary status, has
7 violated the terms of probation.

8 (12.5) A finding by the Board that the licensee has
9 failed to pay a fine imposed by the Department.

10 (13) Abandonment of a client.

11 (14) Willfully filing false reports relating to a
12 licensee's practice, including but not limited to, false
13 records filed with federal or State agencies or
14 departments.

15 (15) Being named as a perpetrator in an indicated
16 report by the Department of Children and Family Services
17 under the Abused and Neglected Child Reporting Act, and
18 upon proof by clear and convincing evidence that the
19 licensee has caused a child to be an abused child or
20 neglected child as defined in the Abused and Neglected
21 Child Reporting Act.

22 (16) Physical or mental disability, including
23 deterioration through the aging process or loss of
24 abilities and skills that results in the inability to
25 practice the profession with reasonable judgment, skill,
26 or safety.

27 (17) Solicitation of professional services by using
28 false or misleading advertising.

29 (18) Failure to file a return, or to pay the tax,
30 penalty, or interest shown in a filed return, or to pay any
31 final assessment of tax, penalty, or interest, as required
32 by any tax Act administered by the Illinois Department of
33 Revenue or any successor agency or the Internal Revenue
34 Service or any successor agency.

35 (b) Any fines imposed under this Section shall not exceed
36 \$1,000 for each violation.

1 (c) The determination by a court that a licensee is subject
2 to involuntary admission or judicial admission as provided in
3 the Mental Health and Developmental Disabilities Code will
4 result in an automatic suspension of his or her license. The
5 suspension will end upon a finding by a court that the licensee
6 is no longer subject to involuntary admission or judicial
7 admission, the issuance of an order so finding and discharging
8 the patient, and the recommendation of the Board to the
9 Secretary ~~Director~~ that the licensee be allowed to resume
10 professional practice.

11 (d) In enforcing this Section, the Board, upon a showing of
12 a possible violation, may compel a person licensed ~~registered~~
13 under this Act or who has applied for licensure ~~registration~~
14 pursuant to this Act to submit to a mental or physical
15 examination, or both, as required by and at the expense of the
16 Department. The examining physicians shall be those
17 specifically designated by the Board. The Board or the
18 Department may order the examining physician to present
19 testimony concerning this mental or physical examination of the
20 registrant or applicant. No information shall be excluded by
21 reason of any common law or statutory privilege relating to
22 communications between the licensee ~~registrant~~ or applicant
23 and the examining physician. The person to be examined may
24 have, at his or her own expense, another physician of his or
25 her choice present during all aspects of the examination.
26 Failure of any person to submit to a mental or physical
27 examination when directed shall be grounds for suspension of a
28 license ~~registration~~ until the person submits to the
29 examination if the Board finds, after notice and hearing, that
30 the refusal to submit to the examination was without reasonable
31 cause.

32 If the Board finds a person unable to practice because of
33 the reasons set forth in this Section, the Board may require
34 that person to submit to care, counseling, or treatment by
35 physicians approved or designated by the Board as a condition,
36 term, or restriction for continued, reinstated, or renewed

1 licensure ~~registration~~; or, in lieu of care, counseling, or
2 treatment, the Board may recommend that the Department file a
3 complaint to immediately suspend, revoke, or otherwise
4 discipline the license ~~registration~~ of the person. Any person
5 whose license ~~registration~~ was granted, continued, reinstated,
6 renewed, disciplined, or supervised subject to such terms,
7 conditions, or restrictions and who fails to comply with such
8 terms, conditions, or restrictions shall be referred to the
9 Secretary ~~Director~~ for a determination as to whether the person
10 shall have his or her license ~~registration~~ suspended
11 immediately, pending a hearing by the Board.

12 (Source: P.A. 91-255, eff. 12-30-99.)

13 (225 ILCS 315/19) (from Ch. 111, par. 8119)

14 (Section scheduled to be repealed on January 1, 2010)

15 Sec. 19. Investigation; notice and hearing. The Department
16 may investigate the actions or qualifications of any applicant
17 or person holding or claiming to hold a certificate of license
18 ~~registration~~. The Department shall, before suspending or
19 revoking, placing on probation, reprimanding, or taking any
20 other disciplinary action under Section 18.1 of this Act, at
21 least 30 days before the date set for the hearing, notify the
22 applicant or holder of a certificate of license ~~registration~~ in
23 writing of the nature of the charges and that a hearing will be
24 held on the date designated. The written notice may be served
25 by personal delivery or certified or registered mail to the
26 applicant or licensee at the address of his last notification
27 to the Department. The Department shall direct the applicant or
28 licensee to file a written answer with the Department, under
29 oath, within 20 days after the service of the notice, and
30 inform the person that if he or she fails to file an answer,
31 his or her license may be revoked, suspended, placed on
32 probation, reprimanded, or the Department may take any other
33 additional disciplinary action including the issuance of
34 fines, not to exceed \$1,000 for each violation, as the
35 Department may consider necessary, without a hearing. At the

1 time and place fixed in the notice, the Board shall proceed to
2 hear the charges and the parties or their counsel. All parties
3 shall be accorded an opportunity to present any statements,
4 testimony, evidence, and arguments as may be pertinent to the
5 charges or to their defense. The Board may continue the hearing
6 from time to time.

7 (Source: P.A. 87-1031; 88-363.)

8 (225 ILCS 315/21) (from Ch. 111, par. 8121)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 21. Subpoenas; depositions; oaths. The Department has
11 power to subpoena and bring before it any person and to take
12 testimony either orally or by deposition, or both, with the
13 same fees and mileage and in the same manner as prescribed in
14 civil cases in circuit courts of this State.

15 The Secretary ~~Director~~, the designated hearing officer,
16 and every member of the Board has the power to administer oaths
17 to witnesses at any hearing which the Department is authorized
18 to conduct, and any other oaths authorized in any Act
19 administered by the Department.

20 (Source: P.A. 88-363.)

21 (225 ILCS 315/22.1)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 22.1. Findings and recommendations. At the conclusion
24 of the hearing, the Board shall present to the Secretary
25 ~~Director~~ a written report of its findings of fact, conclusions
26 of law, and recommendations. The report shall contain a finding
27 whether the licensee violated this Act or failed to comply with
28 the conditions required in this Act. The Board shall specify
29 the nature of the violation or failure to comply, and shall
30 make its recommendations to the Secretary ~~Director~~.

31 The report of findings of fact, conclusions of law, and
32 recommendation of the Board shall be the basis for the
33 Department's order for refusal or for the granting of the
34 license. If the Secretary ~~Director~~ disagrees with the

1 recommendations of the Board, the Secretary ~~Director~~ may issue
2 an order in contravention of the Board recommendations. The
3 Secretary ~~Director~~ shall provide a written report to the Board
4 on any disagreement and shall specify the reasons for the
5 action in the final order. The findings are not admissible in
6 evidence against the person in a criminal prosecution for
7 violation of this Act, but the hearing and findings are not a
8 bar to a criminal prosecution for violation of this Act.

9 (Source: P.A. 88-363.)

10 (225 ILCS 315/23) (from Ch. 111, par. 8123)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 23. Board; Rehearing. At the conclusion of the
13 hearing, a copy of the Board's report shall be served upon the
14 accused person, either personally or as provided in this Act
15 for the service of the notice. Within 20 days after such
16 service, the applicant or licensee may present to the
17 Department a motion in writing for a rehearing which shall
18 specify the particular grounds for rehearing. If no motion for
19 a rehearing is filed, then upon the expiration of the time
20 specified for filing such a motion, or if a motion for
21 rehearing is denied, then upon the denial, the Secretary
22 ~~Director~~ may enter any order in accordance with recommendations
23 of the Board, except as provided in Section 120 of this Act. If
24 the applicant or licensee requests and pays for a transcript of
25 the record within the time for filing a motion for rehearing,
26 the 20-day period within which a motion may be filed shall
27 commence upon the delivery of the transcript to the applicant
28 or licensee.

29 Whenever the Secretary ~~Director~~ is not satisfied that
30 substantial justice has been done, he may order a rehearing by
31 the same or another special board. At the expiration of the
32 time specified for filing a motion for a rehearing the
33 Secretary ~~Director~~ has the right to take the action recommended
34 by the Board.

35 (Source: P.A. 88-363.)

1 (225 ILCS 315/24) (from Ch. 111, par. 8124)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 24. Appointment of a hearing officer. The Secretary
4 ~~Director~~ has the authority to appoint any attorney licensed to
5 practice law in the State of Illinois to serve as the hearing
6 officer in any action for refusal to issue or renew a license
7 or permit or to discipline a licensee. The Secretary ~~Director~~
8 shall notify the Board of any such appointment. The hearing
9 officer has full authority to conduct the hearing. At least one
10 member of the Board shall attend each hearing. The hearing
11 officer shall report his findings of fact, conclusions of law
12 and recommendations to the Board and the Secretary ~~Director~~.
13 The Board has 60 days from receipt of the report to review it
14 and present its findings of fact, conclusions of law and
15 recommendations to the Secretary ~~Director~~. If the Board fails
16 to present its report within the 60 day period, the Secretary
17 ~~Director~~ shall issue an order based on the report of the
18 hearing officer. If the Secretary ~~Director~~ disagrees with the
19 recommendation of the Board or hearing officer, the Secretary
20 ~~Director~~ may issue an order in contravention of the
21 recommendation. The Secretary ~~Director~~ shall promptly provide
22 a written explanation to the Board on any disagreement.

23 (Source: P.A. 88-363.)

24 (225 ILCS 315/25) (from Ch. 111, par. 8125)

25 (Section scheduled to be repealed on January 1, 2010)

26 Sec. 25. Order or certified copy; prima facie proof. An
27 order or a certified copy thereof, over the seal of the
28 Department and purporting to be signed by the Secretary
29 ~~Director~~, shall be prima facie proof that:

30 (a) the signature is the genuine signature of the
31 Secretary ~~Director~~;

32 (b) the Secretary ~~Director~~ is duly appointed and
33 qualified; and

34 (c) the Board and the members thereof are qualified to

1 act.

2 (Source: P.A. 91-357, eff. 7-29-99.)

3 (225 ILCS 315/28) (from Ch. 111, par. 8128)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 28. Summary suspension of a license. The Secretary
6 ~~Director~~ may summarily suspend the license of a landscape
7 architect without a hearing, simultaneously with the
8 institution of proceedings for a hearing provided for in
9 Section 24 of this Act, if the Secretary ~~Director~~ finds that
10 evidence in the possession of the Secretary ~~Director~~ indicates
11 that the continuation in practice by the landscape architect
12 would constitute an imminent danger to the public. In the event
13 that the Secretary ~~Director~~ temporarily suspends the license of
14 an individual without a hearing, a hearing must be held within
15 30 days after such suspension has occurred.

16 (Source: P.A. 88-363.)

17 (225 ILCS 315/5 rep.)

18 Section 10. The Illinois Landscape Architecture Act of 1989
19 is amended by repealing Section 5.

20 Section 99. Effective date. This Act takes effect January
21 1, 2007.