



THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING,  
LANDSCAPE ARCHITECTURE, GEOSCIENCE & INTERIOR DESIGN

December 6, 2010

Legislative Reference Library  
645 State Office Building  
100 Constitution Avenue  
St. Paul, Minnesota 55155

Re: In The Matter of the Proposed New Rules and Amendment to Rules Governing  
Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and  
Certified Interior Design, *Minnesota Rules*, 1800.0050, 1800.0100, 1800.0110, 1800.0120,  
1800.0130, 1800.0140, 1800.0400, 1800.1500, 1800.1700, 1800.2100, 1800.2200;  
Governor's Tracking # AR 513.

Dear Librarian:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design intends to adopt rules governing: cheating definitions; cooperation in communication; landscape architect education and experience; and certified interior design education and experience. We plan to publish a Dual Notice of Intent to Adopt Rules without a Public Hearing in the December 20, 2010 State Register.

The Board has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Board is sending the Library an electronic copy of the Statement of Need and Reasonableness prior to mailing our Notice of Intent to Adopt Rules.

If you have questions, please contact me at 651-757-1511.

Yours very truly,

A handwritten signature in cursive script that reads "Andrea Barker".

Andrea Barker  
Rules Coordinator

Enclosure: Statement of Need and Reasonableness

85 East 7th Place, Suite 160, St. Paul, MN 55101  
p. 651.296.2388 ■ f. 651.297.5310 ■ TTY 800.627.3529  
[www.aelslagid.state.mn.us](http://www.aelslagid.state.mn.us)

**Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design**

**STATEMENT OF NEED AND REASONABLENESS**

**Proposed New Rules and Amendment to Rules Governing Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Certified Interior Design, *Minnesota Rules*, 1800.0050, 1800.0100, 1800.0110, 1800.0120, 1800.0130, 1800.0140, 1800.0400, 1800.1500, 1800.1700, 1800.2100, 1800.2200**

**INTRODUCTION**

The nature of the proposed rules of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (Board) is to amend its current rules that generally pertain to all licensees and specifically pertain to the licensure of landscape architects and the certification of certified interior designers and their application process. The proposed rules will update the education and experience requirements for licensure as a landscape architect or certification as a certified interior designer.

The proposed rules also include new rule language pertaining to all applicants, licensees and certificate holders, specifically adding a cooperation clause and language prohibiting examination cheating. The new rules will require response to communications from the Board; appearance before the Board following request from the Board; notification of address change, name change, felonies and disciplinary action; and will define cheating on examinations, remedial action, and examination security.

Changes to the education and experience requirements for landscape architect applicants are intended to update and clarify the requirements which have been in place since landscape architect licensure began in Minnesota over 30 years ago.

Changes to the education and experience requirements for certification of interior designers are intended to update and clarify the requirements that have been in place since interior design certification began in Minnesota in 1992.

The proposed new rules, referred to as the "Cooperation Clause," are intended to require applicants, licensees and certificate holders to respond to communications from the Board within a specified time period as well as proactively inform the Board of any mailing address change, legal name change, felony or other disciplinary actions. Without this requirement, the Board has limited ability to obtain the information it seeks or to discipline those who do not respond to communications from the Board.

The proposed new rules regarding cheating are intended to define the acts which constitute irregularities or cheating on an examination for licensure or certification. The National Councils who write, own and administer several of the examinations required by Minnesota for licensure or certification require that if an exam candidate is suspected of cheating the state in which that applicant applied is responsible for conducting an immediate investigation. Additionally, if a breach of the examination is by the Board's applicant, the Board may be assessed a significant fine by the National Council if the determination is made that a proctor of the exam failed to properly administer the same. Without the new rules, the Board has limited ability to investigate and discipline an exam candidate suspected of cheating.

This package includes rule language that can easily be divided into four categories: (1) Landscape Architect, (2) Certified Interior Design, (3) Cooperation Clause, and (4) Prohibition of Examination Cheating. The background information, regulatory analysis and rule-by-rule analysis will be repeated four times under each of the above headings for clarity.

## **ALTERNATIVE FORMAT**

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Andrea Barker at the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design, 85 E. 7<sup>th</sup> Place, Suite 160, St. Paul, MN 55101, (651) 757-1511, Fax: (651-297-5310), and email: [andrea.barker@state.mn.us](mailto:andrea.barker@state.mn.us). TTY users may call the Board at (800) 627-3529.

## **STATUTORY AUTHORITY**

All sources of statutory authority were adopted and effective prior to January 1, 1996, so Minnesota Statutes, section 14.125, does not apply.

The Legislature granted the Board's authority to engage in rulemaking in Minnesota Statutes §326.06, which states:

### **326.06 General powers and duties of Board.**

Each member of the board shall receive a certificate of appointment from the governor, and, before beginning a term of office, shall file with the secretary of state the constitutional oath of office. The board shall adopt and have an official seal, which shall be affixed to all licenses granted; shall make all rules, not inconsistent with law, needed in performing its duties; and shall fix standards for determining the qualifications of applicants for certificates, which shall not exceed the requirements contained in the curriculum of a recognized school of architecture, landscape architecture, engineering, geoscience, or interior design. The board shall make rules to define classes of buildings with respect to which persons performing services described in section 326.03, subdivision 2, may be exempted from the provisions of sections 326.02 to 326.15, by a finding of no probable risk to life, health, property or public welfare.

Under this statute, the Board has the necessary statutory authority to adopt the proposed rules.

## **PART 1: LANDSCAPE ARCHITECTURE**

The current rules reflect changes made when the Council of Landscape Architect Registration Boards (CLARB), creator, owner and administrator of the Landscape Architect Registration Examination (LARE), began accepting applicants for the examination directly rather than the applicants first going to the state board. The rules were updated to state that applicants for the examination must apply directly to CLARB, then apply to the Board for licensure following completion of their education, examination and experience requirements. At that time, the education requirement for licensure was also updated to require evidence of graduation from a landscape architecture curriculum of a university or college accredited by the Landscape Architectural Accreditation Board (LAAB), matching the requirements of CLARB for admission to the examination. However, the experience requirement for licensure was not updated, leaving a confusing table allowing different types of degrees paired with varying amounts of required years of experience. Since the rules already

include a requirement for an LAAB-accredited degree, many of the “options” in the table are no longer valid. The proposed rules clean up the language to simplify the education and experience requirements and more closely align the requirements in Minnesota to those of CLARB and other jurisdictions, which has the added benefit of ease in application for comity applicants, those who hold a valid license in another jurisdiction trying to obtain a license in Minnesota and must show that the requirements for licensure in their base state were equal to those in Minnesota at the time of their initial licensure.

## **REGULATORY ANALYSIS**

### **"(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule"**

The classes of persons who will probably be affected by the proposed rule are generally all licensees, and specifically all potential and current applicants for landscape architect licensure.

The changes in landscape architect licensing requirements will not increase or decrease direct costs to candidates, applicants, nor certificate holders or licensees. In fact, the applicants may find the application process easier to understand and to complete. The review of applications will be more timely and efficient for state staff.

### **"(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues"**

The probable costs to the agency of the implementation of the proposed rule will include the costs associated with the rulemaking. The Board does not anticipate any increase or decrease in the costs pertaining to the implementation of the proposed rule since the new rules will replace existing rules and will be administered in the same manner. Likewise, the probable cost of enforcing the proposed rule is not expected to increase or decrease for the same reason.

The Board is charged with the implementation and enforcement of the proposed rule. As such, it does not anticipate any probable costs to any other agency of implementation and enforcement of the proposed rule or any effect on state revenues.

### **"(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule"**

The Board regulates six professions where the granting a license to practice the profession to an individual is highly valued by that individual. Services provided by the licensees are also highly valued by the public because of the standards followed and the code of professional conduct observed by the licensees and regulated by the Board.

For the most part, the regulation of all of these professions and specifically the regulation of landscape architecture in each of the licensing jurisdictions in the United States is substantially the same. It is imperative in today’s marketplace that regulation between jurisdictions be as consistent as possible to avoid roadblocks to licensure. There does not appear to exist any viable alternatives to changing Minnesota Rules other than simplifying the education and experience requirements for landscape architect licensing which will not result in a negative effect on Minnesota applicants. The change in experience requirements will bring Minnesota into closer alignment with CLARB and other jurisdiction requirements.

**"(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule"**

No alternative methods were seriously considered.

**"(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals"**

The costs associated with the education and experience requirements, as well as the application requirements, should not change since similar requirements were contained in the previous rule.

**"(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals"**

Not adopting the proposed rule results in keeping a confusing set of education and experience requirements, which are not in line with the requirements of CLARB to take the examination required for licensure. The current rules address conditions that existed thirty years ago, at the beginning of landscape architect licensure in Minnesota, and are no longer relevant. To keep the current rules lengthens application approval time and consumes state staff time.

The proposed changes should be less costly for state staff to administer.

**"(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference"**

No relationship exists between these rules and federal regulations.

## **RULE-BY-RULE ANALYSIS**

### **M.R. 1800.0400 APPLICATION FOR LICENSURE AND CERTIFICATION.**

The changes to subpart 1a are to clarify the requirements for information that must be supplied to the board upon application. First, the word "that" in item F was changed to "whether." Changing the word "that" to "whether" allows an applicant to indicate that they have not passed the LARE and the application will still be reviewed.

### **M.R. 1800.1500 EDUCATION AND EXPERIENCE**

The change to subpart 1 clarifies the requirements for licensure. An applicant for licensure as a landscape architect must pass the required examination and must satisfy the education and experience requirements spelled out in rule. The submittal of a CLARB council record is not required, but rather an option for documenting the education, examination and experience requirements. An applicant may choose to either submit a CLARB council record, if the applicant has one, which documents education, examination and experience, or the applicant may complete the board's forms and submit the required supporting documentation showing completion of the education, examination and experience requirements. Additionally, M.R. 1800.0800, item G, already indicates that applicants may submit a council record prepared by CLARB as a means of establishing their qualifications for licensure. Stating

this again in M.R. 1800.1500 is redundant.

The changes to subparts 4 and 5 are intended to clarify the experience requirement. The requirements spelled out in the current rule are outdated. Applicants for initial licensure as a Landscape Architect in Minnesota first apply to the Council of Landscape Architectural Registration Boards (CLARB) to take the Landscape Architect Registration Examination (LARE). In order to qualify to take the LARE, CLARB requires that the applicant have a degree in landscape architecture from an institution accredited by the Landscape Architectural Accreditation Board (LAAB). An applicant for licensure as a Landscape Architect in Minnesota must complete the LARE, therefore an accredited degree is required. Subsequently, the table in subpart 5 "Exception for non-LAAB accredited education" is almost entirely obsolete. The only "exception" that is still valid is the "Other Related Degree Plus Graduate of LAAB Accredited Graduate Curriculum." This phrase was re-worded to say "A related degree PLUS graduation from a LAAB-accredited master's or doctorate curriculum in Landscape Architecture" and added to the new table in subpart 4 with the experience requirement for an applicant with this type of degree remaining the same.

For clarity, the experience requirements currently spelled out in paragraph format in subpart 4, have been moved to a table format. The experience requirement remains the same and is dependent on which LAAB-accredited degree the applicant has obtained (a five-year curriculum or a four-year curriculum).

Some of the requirements originally spelled out in subpart 5 have been moved to subpart 4. Subpart 5, items B-I were confusing in that it looked as though the experience described in items B-I only applied to those without an LAAB education. In fact, items B-I should apply to all applicants. The changes to subparts 4 and 5 are now organized as subpart 4 items A-D and succinctly state the experience requirements for each LAAB-accredited degree and define the qualifying experience for all applicants, regardless of their education.

The changes to subpart 5, item B (now subpart 4, item D), are to clarify what experience counts as qualifying experience. Most of the qualifying experience must be acquired following graduation from an accredited landscape architectural curriculum, however, prior to their graduation, students working under a licensed landscape architect for a minimum of 90 days may count their experience at a rate of 50%. This is intended to allow students to use an internship toward their experience requirement. A maximum of 1 year of experience may be obtained prior to graduation.

Subpart 5 items C-F have been eliminated because they are obsolete. Item C refers to nongraduates and because graduation from an LAAB-accredited curriculum is required, item C is obsolete. Item D, E and F were eliminated because regardless of where the applicant was employed, the experience must be under the direct supervision of a licensed landscape architect (or licensed architect or licensed professional engineer as allowed by subpart 4 item C) and must be related to landscape architectural work. There is no need to separately describe experience gained through employment in varying venues (i.e. government, military, etc.). All qualifying experience is evaluated in the same way.

Subpart 5, item G was renumbered and divided as subpart 4, item B and item C. Item B defines qualifying experience for all applicants regardless of place of employment. Item C was reworded from the original wording in Subpart 5, item G for clarity, allowing qualifying experience under the direct supervision of a licensed architect or licensed professional engineer when the work is related to landscape architecture. The maximum allowable experience under a licensed architect or licensed professional engineer was changed from two years to one year. In order to adequately gain professional experience in landscape architecture, the majority of the experience should be under the direct supervision of a licensed landscape

architect. With the elimination of the “exception for non-LAAB-accredited education” table, the qualifying experience required is generally 3 years. In order for the majority of the qualifying experience to be under a licensed landscape architect, the maximum allowable experience under a licensed architect or licensed professional engineer must be limited to one year.

Subpart 5, item H was eliminated because it was based on the table that was eliminated from Subpart 5, item A. An advanced degree does not count toward the experience requirement, but rather toward the education requirement. Graduation with an advanced degree from an LAAB-accredited landscape architecture curriculum does not reduce the required number of years of qualifying experience below 3 years. The 3 years of experience must be in addition to the LAAB-accredited degree. Teaching and research in an LAAB-accredited curriculum would be evaluated under the new subpart 4, item B.

Subpart 5, item I was eliminated because it is obsolete. All qualifying experience must be under a licensed landscape architect (or other professional as allowed in the new subpart 4, item C).

### **M.R. 1800.1700 WRITTEN EXAMINATION**

The examination required of applicants for licensure in Minnesota as a landscape architect is the Landscape Architect Registration Examination (LARE). Minnesota applicants first apply to CLARB to take the examination, and following successful completion of the examination, they apply to Minnesota for licensure. CLARB owns and administers the LARE and thus determines which types of reference materials, calculators, etc. may be permitted during the examination. Rather than spelling out exact items allowed, which may change over time, subpart 2 was modified to state that only equipment approved by CLARB may be used during the LARE.

## **PART 2: CERTIFIED INTERIOR DESIGN**

The current rule requirements for certification as a certified interior designer call for six qualifying “credits” based on various types of education and experience. The “credit” system is not used anywhere else in the Board’s rules, and can easily be confused with credits obtained by attending a college or university. The proposed rules eliminate the “credits” and directly and clearly state the acceptable education and experience requirements. Similar to the landscape architect applicants, certified interior design applicants apply directly to the National Council of Interior Design Qualification (NCIDQ) to complete the NCIDQ Examination, then, following successful completion of the examination as well as the education and experience requirements, the applicant may apply to the Board for certification. The proposed rules update the education requirement to a minimum of a bachelor’s degree in interior design accredited by the Council for Interior Design Accreditation (CIDA) which was formerly the Foundation for Interior Design Education Research (FIDER). Applicants must complete the NCIDQ examination prior to certification in Minnesota.

Additionally, the current rules allow the applicant to choose seven of eleven areas in which to obtain qualifying experience for certification and lack clarity in how to document the experience. The proposed rules clarify documentation of qualifying experience into three different routes based on the level of education of the applicant. The requirement of NCIDQ IDEP for certification in Minnesota is similar to the requirement of the Intern Development Program (IDP) for architect applicants in Minnesota.

### **REGULATORY ANALYSIS**

**"(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule"**

The classes of persons who will probably be affected by the proposed rule are specifically all potential and current applicants for certification as a Certified Interior Designer. The changes in the certification requirements will not increase or decrease direct costs to candidates, applicants, licensees or certificate holders. Applicants who choose to document their experience through the NCIDQ IDEP must pay NCIDQ for the services; however it is not required by the Board's rules. Currently, the rules have no provision for accepting NCIDQ IDEP as documentation of experience; the new rules simply allow applicants who have chosen to use NCIDQ IDEP to use this documentation to show their experience when applying to the Board. Additionally, all users of the proposed rule will benefit in that the rules will be easier to understand and regulate.

**"(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues"**

The probable costs to the agency of the implementation of the proposed rule will include the costs associated with the rulemaking. The Board does not anticipate any increase or decrease in the costs pertaining to the implementation of the proposed rule since the new rules will replace existing rules and will be administered in the same manner. Likewise, the probable cost of enforcing the proposed rule is not expected to increase or decrease for the same reason.

The Board is charged with the implementation and enforcement of the proposed rule. As such, it does not anticipate any probable costs to any other agency of implementation and enforcement of the proposed rule or any effect on state revenues.

**"(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule"**

This rulemaking is the least costly and the least intrusive method of achieving the purpose of the proposed rule since it is the most economical method available to continue implementing the purpose and intent of the existing rule.

**"(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule"**

The Board did not consider any alternative methods for achieving the purpose of the proposed rule.

**"(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals"**

The costs associated with the education and experience requirements, as well as the application requirements, should not change since similar requirements were contained in the previous rule.

**"(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals"**

The Board's adoption of these proposed rules will not increase costs to applicants or the Board. It is likely that



adoption of these rules will decrease Board costs by reducing staff time to prepare files for Board member review, as the qualifications are simplified and clarified by the revised rules. This revision will also reduce the time needed for Board members to review applications and supporting documentation, and make an objective decision on whether or not the requirements for certification have been met.

**"(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference"**

There is no relationship between these rules and federal regulations.

## **RULE-BY-RULE ANALYSIS**

### **M.R. 1800.0400 APPLICATION FOR LICENSURE AND CERTIFICATION.**

The changes to subpart 1a are to clarify the requirements for information that must be supplied to the board upon application. Item G was renumbered as item H and a new item G was added. The new item G requires that certified interior design applications indicate whether the written examination administered by NCIDQ has been successfully completed. Successful completion of the NCIDQ examination is required for certification as a Certified Interior Designer, so candidates must provide information on whether or not they passed the exam.

The change to subpart 2 requires that an applicant who is eligible for certification as a certified interior designer at the time of application must be notified by the board in writing. This subpart already indicates that if applicants for admission to an examination, licensure as a landscape architect, or certification as a certified interior designer are ineligible that they shall be notified by the board in writing. Also, the subpart already indicates that an applicant eligible for licensure as a landscape architect or admission to an examination must be notified in writing. The addition of the requirement for an applicant eligible for certification as a certified interior designer is in alignment with the remainder of the subpart.

### **M.R. 1800.2100 EDUCATION AND EXPERIENCE.**

The changes to the organization of Subpart 1 through 4 are intended to provide clarity in the requirements for certification. Subpart 1 remains the same and is entitled "Written examination requirement", while subparts 2 through 4 are combined and titled "Education and experience requirement." The education and experience requirements are then detailed in items A, B and C.

The changes to the language in subpart 2 clarify for what the applicant is applying. Applicants must first apply to NCIDQ for admission to the examination, then, following successful completion of the examination, they apply to the Board for certification as a certified interior designer. The applicant is not applying to Minnesota for admission to the examination. Additionally, the changes in subpart 2 remove the confusing reference to "qualifying credits" and simply indicate that the education and experience requirements must be met to qualify for certification.

Subpart 3 becomes item A and is simply entitled "Education" without the reference to "qualifying credits." Throughout the rules, any reference to accreditation by the Foundation for Interior Design Education Research (FIDER) is changed to refer to accreditation by the Council for Interior Design Accreditation (CIDA). FIDER became CIDA, so any reference to FIDER is obsolete. The education requirement is clearly defined as a Council for Interior Design Accreditation (CIDA) accredited professional degree in interior design or equivalent. The "equivalent" education is defined and the options for fulfilling the education requirement are described.

Subitem (1) is graduation from a CIDA accredited bachelor's or master's degree program with a minimum number of hours of interior design course content. Stating the requirement of graduation and indicating the minimum number of semester or quarter hours required in interior design makes the determination of equivalent education possible.

Item B from the current rule, becomes subitem (2) in the proposed rule. Subitems (2) and (3) describe graduation from a two- or three- year CIDA accredited program in interior design prior to June 1, 2011. CIDA will no longer be accepting two- and three- year degrees for accreditation, so once the transition period is complete, two- or three-year degrees will not be CIDA accredited, thus applicants with such degree would not meet the requirements for certification in Minnesota. The transition period allows for candidates currently in the process to complete the process without undue burden. After June 1, 2011, all applicants will be required to have a CIDA-accredited bachelor's or master's degree as described in subitem (1).

Items C through F are deleted as obsolete. They described the number of "credits" received for different types of professional degrees. The minimum requirement for certification as a Certified Interior Designer is a completion of a CIDA accredited degree. Any other degree may be evaluated under the "equivalent education" standards outlined in item A and need not be further spelled out in rule. "Credits" are no longer assigned for education or experience. Applicants must simply meet the minimum education and experience requirements.

Subpart 4 becomes Item B and describes the minimum experience required for certification. Again, any reference to "credits" is removed. The first paragraph of Item B describes general requirements for all experience. Certification as a certified interior designer is currently optional in Minnesota and only regulates the use of the professional title not the practice of interior design, so the professional experience may be gained under several different professionals. Applicants may still gain professional experience under either a certified interior designer or a licensed architect, but NCIDQ certificate holder has been added. An NCIDQ certificate holder has passed the NCIDQ examination and has completed specific education and experience requirements, but has not applied for certification as a certified interior designer in Minnesota. Additionally, experience under an interior designer (not a certified interior designer or NCIDQ certificate holder) is limited to experience prior to June 1, 2011. After June 1, 2011, professional experience must be under one of the aforementioned professionals.

The new subitems (1) through (3) describe the different experience requirements based on which education requirement the applicant has met. If an applicant has completed a bachelor's or master's degree in interior design, or equivalent, as required by item A, subitem (1), the applicant may fulfill the experience requirement either through completion of the NCIDQ Interior Design Experience Program (IDEP), or through documentation of two years of qualifying interior design experience.

For applicants have completed either a two- or three- year interior design degree prior to June 1, 2011, or equivalent, as required by item A, subitems (2) or (3), are required to document a minimum of four or three years respectively of qualifying interior design experience.

Subpart 4B becomes the new item C and describes qualifying experience for applicants who have not completed the NCIDQ IDEP. Experience is required in 10 different knowledge areas. These ten knowledge areas parallel the knowledge areas required during the completion of NCIDQ IDEP, so regardless of whether the experience is gained through the completion of NCIDQ IDEP or through the applicant's own documentation of experience, the overall experience requirement is substantially the same.

## **M.R. 1800.2200 PROCEDURES.**

The changes Subparts 2 and 3 are meant to clarify the requirements for admission to the examination and for applying for certification. Applicants must first complete the NCIDQ examination before they apply to the Minnesota Board for certification. Subpart 2 currently indicates that an applicant shall be admitted to the examination if the applicant has completed the education and experience requirements. However, since the applicants do not apply to the Minnesota Board until after completion of the examination, this declaration is unnecessary. When an applicant applies to NCIDQ to take the examination, NCIDQ reviews the education and experience and determines if the applicant may sit for the exam. The subpart now simply states that applicants must apply to NCIDQ to take the examination.

In regard to the application for certification, rather than referencing a different rule part (1800.0400) for the requirements of the application, the rule simply states that the application must include verification of completed education, examination and experience requirements. Additionally, application fees are in statute, so the reference to 1800.0500 is obsolete.

NCIDQ IDEP is relatively new, so a reference to completion of NCIDQ IDEP as documentation for the experience requirement has been added. Applicants who are not required to complete NCIDQ IDEP may still complete the detailed listing of experience on a form provided by the board. The application should also include a final transcript of grades and a signed copy of the Board Rules of Professional Conduct. The only way to verify completion of the education requirement is through an official transcript and not requiring a transcript in the original rules was an oversight. Additionally, the other professions licensed by the Board are required to sign a copy of the Board Rules of Professional Conduct. Again, not including this requirement in the original rules was an oversight. Finally, the sentence regarding the fact that the applicant shall be notified in writing upon approval or denial by the board is consistent with the language for the other professions and protects the applicant by requiring the Board to respond to the applicant after the file has been reviewed.

## **PART 3: COOPERATION CLAUSE**

### **REGULATORY ANALYSIS**

**"(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule"**

The classes of persons who will probably be affected by the proposed rule are all licensees and certificate holders under the Board's jurisdiction. The addition of a cooperation clause to the Board rules does not increase or decrease direct costs to applicants, licensees or certificate holders. All users of the proposed rule will benefit as the rules will be easier to understand and to regulate.

**"(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues"**

The probable costs to the agency of the implementation of the proposed rule will include the costs associated with the rulemaking. The Board anticipates a decrease in operating costs pertaining to the implementation of the proposed rule because the new rules will eliminate the need to send multiple requests for information to individuals who have not responded to requests from the Board. Instead of sending multiple requests for information, the Board will be able to move enforcement of the rule and potentially issue a civil penalty for lack of cooperation or response by the respondent.

The Board is charged with the implementation and enforcement of the proposed rule. As such, it does not anticipate any probable costs to any other agency of implementation and enforcement of the proposed rule.

The Board's funding is through appropriations from the State's General Fund. All Board revenue is returned to the General Fund, thus a decrease in the costs of the Board and a potential increase in civil penalties may increase the State's overall revenue.

**"(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule"**

The cost of mailing out repeated requests for information falls on the Board. Currently, the Board cannot recoup these costs. However, with a rule in place requiring cooperation, the Board would have the authority to discipline an individual following investigation, and potentially issue a civil penalty. The addition of a cooperation clause into the Board's rules is the least costly method for achieving the goal of obtaining information from an individual.

**"(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule"**

The Board has had cases where licensees have not responded to requests for information and the Board had no ability to discipline the individual for not responding to the Board. The only way that the Board would have this ability is to create a rule requiring cooperation. Then, if an individual does not cooperate, they would be in violation of the rule and the Board would have the means to discipline the individual and obtain the information it requested in the first place.

**"(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals"**

The costs associated with requesting information are currently absorbed by the Board. There will be no change in the cost of compliance with the proposed rules since the affected parties do not currently pay for these costs. Individuals not in compliance with the rule may end up with a civil penalty following an investigation by the Board, however, those in compliance with the rule would not see an increase in costs.

**"(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals"**

Not adopting the proposed rule results in unnecessary costs for the Board and an undesirable consequence of the inability to discipline an individual who does not respond to requests for information from the Board. The Board spends a lot of time and money sending out repeated requests for information from its applicants, licensees and certificate holders. Currently, if an applicant, licensee or certificate holder does not respond to a request from the Board, the Board has no recourse. With the adoption of this proposed rule, the Board would be able to investigate violations to the rule and potentially issue disciplinary action even if the person ultimately decides to respond to the original request of the Board.

**"(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference"**

No relationship exists between these rules and federal regulations.

## **RULE-BY-RULE ANALYSIS**

### **M.R. 1800.0050 DEFINITIONS.**

The addition of a definition section at the beginning of the Board's rules, Chapter 1800, allows the Board to define terms used throughout the entire rule chapter. The proposed rules define the term "applicant" and clarifies that the terms "applicant" and "candidate" throughout the rules are in essence, interchangeable.

### **M.R. 1800.0100 COOPERATION IN COMMUNICATIONS.**

The proposed rule clearly states the Board's expectation for response from its applicants, licensees and certificate holders. The Board frequently sends written communication to its applicants, licensees and certificate holders requesting additional information or supporting documentation in regard to an application for examination, licensure or certification, or in regard to an investigation or continuing education audit. Currently, if the applicant, licensee or certificate holder does not respond, the Board can only continue to send follow-up letters requesting the information or supporting documentation. Additionally, the Board may not discipline an applicant, licensee or certificate holder for simply not responding to communications from the Board.

For example, Minnesota Statute §326.107, Subd. 7, allows the Board to require a licensee or certificate holder to produce documentation of continuing education activities. However, during the 2008 continuing education audit when the Board requested documentation from its licensees or certificate holders, some individuals chose not to respond. The Board sent second letters requesting the documentation and some individuals still did not respond. The Board ended up having to open a complaint against each individual who had not supplied their documentation and were thus in violation of the statutory requirement to do so. Some of those individuals responded to the allegation letter by sending in the supporting documentation for their continuing education activities. The Board had to accept the documentation as meeting the requirement for the audit, and thus, the violation of the statutory requirement to provide the documentation was no longer a factor and the complaint had to be closed. The addition of rule language requiring response from an applicant, licensee or certificate holder within a specific timeframe will allow the Board to open a complaint based on violation of this rule. So, even if the licensee or certificate holder responds to a complaint against them by ultimately supplying their supporting documentation, they would still have been in violation of the cooperation rule and, following investigation could potentially end up with a disciplinary order and civil penalty.

Having to open a complaint against licensees and certificate holders who choose not to respond to the Board is time-consuming and costly. If the Board must resort to opening a complaint to get a response, the Board should be able to ultimately issue a disciplinary order and civil penalty if the investigation warrants, even if the statutory requirement to provide supporting documentation for continuing education has finally been met. In order to have the authority to do this, the Board needs a rule requiring response to communications within a specified time period.

Secondly, this rule requires an applicant, licensee or certificate holder to appear before the Board, to provide pertinent documentation to assist the Board in its investigations, and to sign an authorization for

the Board to obtain access to information relating to a Board investigation. Without this rule, the Board must obtain a subpoena, which is a much more time-consuming and costly approach to the same end result.

**M.R. 1800.0110 APPEARANCE BEFORE BOARD.**

This proposed rule requires an applicant, licensee or certificate holder to cooperate with the Board and assist the Board in determining the person's qualifications for examination, licensure or certification, or the person's compliance with Minnesota Statutes or Rules. The rule requires that the applicant, licensee or certificate holder appear and provide sworn testimony, respond to questions, and produce any evidence requested. If the applicant, licensee or certificate holder chooses not to cooperate, the Board would have authority to issue disciplinary action for violation of this rule following an investigation. Currently, the Board has no recourse for not cooperating.

**M.R. 1800.0120 NOTIFICATION**

The proposed rule requires applicants, licensees and certificate holders to notify the Board of certain changes within a specified time frame. The first is the requirement that each applicant, licensee or certificate holder provide the Board with a current street address and telephone number. The street address must not be a post office box address because the Board must be able to deliver certified mail, if necessary. Certified mail cannot be delivered to a post office box. The Board must be notified within 30 days of any change in address or telephone number so that the Board is ensured the most up-to-date contact information. Current contact information is important for two reasons: First, the Board must be able to contact an applicant, licensee or certificate holder to deliver communications pertinent to Minnesota Rules 1800.0100 and 1800.0110. Second, the Board receives hundreds of pieces of returned mail each year and gets charged a fee for each piece of returned mail. When an applicant, licensee or certificate holder does not update address information with the Board, it causes significant financial loss for the Board. Additionally, the applicant, licensee or certificate holder does not receive important mailings from the Board including requests for information, renewal reminders and newsletters.

The second requirement of this proposed rule is to provide the Board with documentation of legal name change. This is particularly important for licensees and certificate holders of the Board whose information is public. The Board must ensure that its licensing and certification records are accurate and up-to-date. If a member of the general public is trying to determine whether or not the individual they are hiring has a valid license, it is important that the licensee's name is correct in the Board's database.

The third requirement of this proposed rule fortifies the statutory requirement that applicants, licensees and certificate holders notify the Board of their records of misconduct. Minnesota Statute 326.111 Subd. 4 allows the Board to take disciplinary action against individuals who have been: (1) convicted of or have pled nolo contendere to a felony, an element of which is dishonesty or fraud, whether or not the person admits guilt, or (2) have been shown to have engaged in acts or practices tending to show that the applicant, licensee, or certificate holder is incompetent, or (3) have engaged in conduct reflecting adversely on the person's ability or fitness to engage in the practice of architecture, engineering, land surveying, landscape architecture, geoscience, or use of the title certified interior designer, or (4) have had an architecture, engineering, land surveying, landscape architecture, geoscience license, or interior design certificate, right to exam, or other similar authority revoked, suspended, canceled, limited, or not renewed for cause in any state, commonwealth, or territory of the United States, in the District of Columbia, or in any foreign country. In order to do so, the Board must know about these records. Requiring the applicant, licensee or certificate holder to notify the Board of such acts, gives the Board the opportunity to conduct its own investigation to determine whether any disciplinary action should be taken by the Board.

Additionally, not notifying the Board of these acts may itself result in disciplinary action. The Board must ensure that the public's health, safety and welfare is protected and therefore must know if any of its applicants, licensees or certificate holders have committed one of these acts.

## **PART 4: PROHIBITION OF EXAMINATION CHEATING**

### **REGULATORY ANALYSIS**

**"(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule"**

The classes of persons who will probably be affected by the proposed rule are generally all licensees and certificate holders, and specifically all potential and current applicants for fundamentals and professionals examinations required by the Board prior to licensure.

The proposed language does not increase or decrease direct costs to candidates, applicants, licensees or certificate holders. All users of the proposed rule will benefit as the rules will be easier to understand and to regulate.

**"(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues"**

The probable costs to the agency of the implementation of the proposed rule will include the costs associated with the rulemaking. The Board does not anticipate an overall increase or decrease in its regular operating costs pertaining to implementation of this proposed rule since this rule simply defines examination cheating and possible consequences. This rule is necessary in order to investigate potential cheating on an examination and to discipline an exam candidate who is found to have cheated. The Board is required by the National Councils who own the examinations to conduct an immediate investigation if one of its candidates is suspected of cheating on the examination, however the Board's current rules do not define cheating on an examination, thus making it difficult to investigate. Additionally, without rules regarding cheating on an examination, the Board does not have the authority to issue a civil penalty against a candidate found to have cheated on an examination, even though the Board itself could be fined hundreds of thousands of dollars by the National Council if one of its candidates is found to have compromised examination security.

**"(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule"**

The cost of investigating potential cheating on an examination falls on the Board and without the adoption of this proposed rule, the Board cannot issue a civil penalty against a candidate found cheating on an examination. The Board can be assessed a hefty fine by the National Council if cheating is discovered and the least costly method to the Board for recouping those costs would be to have the authority to discipline the candidate who cheated.

**"(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule"**

Without the adoption of this proposed rule, the Board would not be able to investigate and discipline an exam candidate suspected of or found cheating. The only method to achieve the purpose of the rule is to adopt the rule.

**"(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals"**

The cost of complying with this rule by affected parties is zero. The only cost to an affected party would be the cost of a civil penalty issued to an individual who has been found to have cheated on an examination and thus, not in compliance with the rule. The adoption of this rule does not increase or decrease costs to other government units or businesses.

**"(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals"**

The cost of investigating and enforcing potential cheating by a candidate on an examination falls on the Board. Additionally, a fine assessed by the National Council would be assessed against the Board. Without the rule, the Board would not be able to penalize the offender and recoup its costs. Based on past fines to Boards in other states where candidates have been found to have cheated on an examination, a fine issued to this Board would likely exceed its entire operating budget, thus defaulting to the general state revenues for payment resulting in a decrease in the state's overall general fund. For example, the State of California owes \$1.3 million because one of their examinees breached 240 exam questions with a scanning device. The creation of examination questions is a two year process and thus, the cost of replacing 240 exam questions is huge.

**"(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference"**

No relationship exists between these rules and federal regulations.

## **RULE-BY-RULE ANALYSIS**

### **M.R. 1800.0130 EXAMINATION IRREGULARITIES; CHEATING.**

The proposed rule defines actions which constitute cheating on an examination. If an exam candidate is found to have employed fraud or deception (cheated) on their application for the examination, while taking the examination, or is discovered following the examination, a complaint and investigation by the Board would ensue and may lead to sanctions as identified in Minnesota Statute section 326.111 and related rules.

Minnesota Statutes section 326.111, subdivision 4, clause (a), item 5, gives the Board the authority to issue a public order (disciplinary action) if an applicant has employed fraud or deception in obtaining a certificate, license, renewal, or reinstatement, or in passing all or a portion of the examination. Subdivision 2 of this proposed rule defines the actions which constitute fraud or deception (cheating). These definitions are consistent with the definitions of cheating from the National Councils. The National Councils spell out these actions for the candidates in writing prior to the examination and again, orally, at the examination test site when the instructions are read to the candidates. The candidates are then required to sign a confidentiality agreement. Following the examination, specifically the examinations



for engineering and land surveying, an independent research facility conducts a combined five-method approach to try to discover any cheating, copying or collusion on an examination. If any of the above is suspected, the State in which the candidate took the examination must conduct an investigation regarding the allegations. The proposed rule defining acts of cheating will aid the Board in any investigation and ultimate disciplinary action. Without clear definitions of cheating, the Board may have a difficult time substantiating that a candidate cheated on an examination.

This rule will not limit the authority of the Board to take action against an applicant, examinee, licensee or certificate holder who engages in fraudulent, deceptive, or dishonest practices not specifically described in this rule. Individuals who cheat are always coming up with new ways to accomplish their goal and the invention of new technology makes it easier and easier. It is difficult to define every possible way that an individual may cheat when new methods are constantly being developed.

Finally, this proposed rule states what the Board or examination administrator should do with an exam candidate suspected of cheating. National Council rules dictate that an exam candidate is immediately expelled from the exam site for certain violations including possession of unauthorized devices or equipment, copying exam questions, etc. This rule is consistent with the National Council rules.

#### **1800.0140 SECURITY AND IRREGULARITIES.**

This proposed rule is intended to allow the Board to conduct any necessary investigation into fraudulent or dishonest behavior without having to immediately administer additional scheduled examinations, grade the examinations in question, or issue licenses to candidates passing the examination in which an exam breach is suspected. The Board must have time to investigate the allegations prior to the issuance of licenses, to protect the public's health, safety and welfare and to ensure that a dishonest individual does not receive a license.

#### **PERFORMANCE-BASED RULES**

Minnesota Statutes, sections 14.002 and 14.131, require that the SONAR describe how the agency, in developing the rules, considered and implemented performance-based standards that emphasize superior achievement in meeting the agency's regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals.

To safeguard life, health and property, and promote the public welfare, the Board provides reasonable assurance that persons practicing within the Board's regulated professions are competent, ethical practitioners qualified through education, examination and experience as appropriate to their title and role. Additionally, as an official state licensing agency, the Board is charged with the responsibility of implementing those statutes and rules which specifically regulate the professions of architecture, engineering, land surveying, landscape architecture, geology, soil science and the title use of certified interior design.

The proposed rule amendments embodied in this Statement of Need and Reasonableness emphasize superior achievement in meeting the Board's regulatory objectives with maximum flexibility for the regulated party and the Board in meeting those goals. The Board has identified areas that are outdated and confusing for applicants applying for licensure as a landscape architect or certification as a certified interior designer. In both cases, the rules have been in place for many years, even though the education and experience requirements on a national level have changed. It is critical that the Board identifies actual or potential areas of confusion on the path to licensure within its jurisdiction in order to meet its obligations to the public and regulated parties. To do

otherwise creates difficulties for all interested parties – the public, members of the regulated professions, and the Board.

The Board has also identified areas in which new rules are necessary for the Board to effectively and efficiently complete its work. The Board has had difficulty in the past with applicants, licensees and certificate holders ignoring requests from the Board for information. Additionally, the Board lacked clear definitions regarding cheating on examinations, a problem that is becoming larger and larger on a national level. The new rules will assist the Board in investigating violations and issuing disciplinary actions against offenders.

Second, the proposed amendments and proposed new rules allow for maximum flexibility to the regulated parties. Education and experience requirements for licensure as a Landscape Architect have been simplified and aligned to the requirements to those of the National Council and other state jurisdictions. Aligned requirements allow candidates to more easily gain licensure in additional jurisdictions, both for Minnesota licensees applying to other states and licensees of other states applying for licensure in Minnesota.

Education and experience requirements for certificate and a Certified Interior Designer have been simplified and clarified. The old method of using “credits” is confusing. Additionally, allowing applicants two ways to document their experience, either through the IDEP or through the documentation of the same experience on Board-created forms, give applicants the option to determine the method that is most effective for them.

Additionally, since both applicants for licensure as a Landscape Architect or certification as a Certified Interior Designer apply to their respective National Councils for the examination prior to applying to the state regulatory board, aligning the requirements for education and experience on a state level to those on a national level allows applicants to more easily gain licensure or certification in the state of their choosing following completion of the examination and reduces frustration of applicants who have completed a national examination and subsequently found that they do not meet the requirements on a state level for registration.

The proposed new rules regarding cooperation in communication allows maximum flexibility to the regulated parties by allowing a reasonable length of time for notification of pertinent changes to personal information or in response to requests of the Board, but also institutes a deadline for completing the communication.

The proposed new rules regarding cheating on examinations gives the exam applicants specific definitions of and consequences to dishonest and fraudulent behavior in the examination process. The rules are clear and up-front and applicants know ahead of time which actions are not tolerated.

Finally, the proposed amendments and proposed new rules allow for maximum flexibility to the Board in meeting its goals. The proposed amendments to the education and experience requirements for both licensure as a Landscape Architect and certification as a Certified Interior Designer simplify the application review process. With clear requirements for education and experience, rather than confusing out-of-date tables or “credit” systems, the Board can efficiently review the applications and supporting documentation to determine whether or not the minimum requirements have been met.

The proposed new rules regarding both cooperation in communications and cheating allows the Board to initiate investigations and ultimately issue a disciplinary order when the rules have been violated. The Board has difficulty completing its work when applicants, licensees or certificate holders do not respond to communications from the Board. Additionally, the Board has a more difficult time investigating and issuing disciplinary action if clear definitions of requirements for notification or response to communications are not spelled out for applicants, licensees and certificate holders.

## **ADDITIONAL NOTICE**

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a letter by Administrative Law Judge Manuel J. Cervantes dated November 19, 2010.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Chapter of the American Institute of Architects (“AIA”), the professional society representing architects regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Society of Professional Engineers (“MSPE”) and the American Council of Engineering Companies of Minnesota (“ACEC/MN”), the two largest professional societies representing professional engineers regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Society of Professional Surveyors (“MSPS”), the professional society representing land surveyors regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Chapter of the American Society of Landscape Architects (“MASLA”), the professional society representing landscape architects regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Section of the American Institute of Professional Geologists (“AIPGMN”), the professional society representing professional geologists regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Association of Professional Soil Scientists (“MAPSS”), the professional society representing professional soil scientists regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Northland Chapter of the International Interior Design Association (“IIDA”) and the Minnesota Chapter of the American Society of Interior Designers (“ASID”), the two professional societies representing certified interior designers regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota academic institutions that offer architecture degree programs accredited by the National Architectural Accrediting Board (NAAB):

Univ. of MN – Twin Cities: School of Architecture

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota academic institutions that offer engineering degree programs accredited by the Accreditation Board for Engineering and Technology, Inc. (ABET):

MN State University – Mankato: Department of Mechanical and Civil Engineering

MN State University – Mankato: Department of Electrical and Computer Engineering

St. Cloud State University: Department of Electrical and Computer Engineering

St. Cloud State University: Department of Mechanical and Manufacturing Engineering

Univ. of MN – Duluth: Department of Electrical and Computer Engineering

Univ. of MN – Duluth: Department of Chemical Engineering  
Univ. of MN – Duluth: Department of Mechanical and Industrial Engineering  
Univ. of MN – Twin Cities: Aerospace Engineering and Mechanics Department  
Univ. of MN – Twin Cities: Biomedical Engineering Department  
Univ. of MN – Twin Cities: Department of Chemical Engineering  
Univ. of MN – Twin Cities: Department of Civil Engineering  
Univ. of MN – Twin Cities: Department of Electrical and Computer Engineering  
Univ. of MN – Twin Cities: Department of Mechanical Engineering  
University of St. Thomas: School of Engineering  
Winona State University: Composite Materials Engineering Department

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota institutions that offer diploma or certificate level courses in land surveying, and to Minnesota academic institutions that offer college level courses in land surveying:

Dunwoody College of Technology: Land Surveying Program  
St. Cloud State University: College of Social Sciences – Land Surveying and Mapping  
St. Paul College: Land Surveying Technology

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota academic institutions that offer landscape architecture degree programs accredited by the Landscape Architectural Accreditation Board (“LAAB”):

Univ. of MN – Twin Cities: Department of Landscape Architecture

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota academic institutions that offer geology degree programs approved by the Board:

Carleton College: Department of Geology  
Macalester College: Geology Department  
St. Cloud State University: College of Science and Engineering  
Univ. of MN – Duluth: Department of Geological Sciences  
Univ. of MN – Morris: Division of Science and Mathematics; Geology Discipline  
Univ. of MN – Twin Cities: Department of Geology and Geophysics

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota academic institutions that offer soil science degree programs approved by the Board:

Univ. of MN – Twin Cities: College of Food, Agricultural and Natural Resource Sciences

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota institutions that offer diploma or certificate level courses in interior design, and to Minnesota academic institutions that offer interior design degree programs accredited by the Council for Interior Design Accreditation (“CIDA”):

University of Minnesota – Twin Cities: College of Design  
The Art Institutes International Minnesota: Interior Design Program  
Dakota County Technical College: Interior Design Program  
Alexandria Technical College: Interior Design Program  
Dunwoody College of Technology: Interior Design Program  
Century College: Interior Design Program  
Brown College: Interior Design Program

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Council of Landscape Architectural Registration Boards (“CLARB”), the national council representing landscape architects regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the National Council for Interior Design Qualification (“NCIDQ”), the professional society representing certified interior designers regulated by this Board.

The Board will also post the Dual Notice of Intent to Adopt and the proposed rule change on the Board’s website.

The Dual Notice of Intent to Adopt and a summary of the proposed rule changes, along with the website address at which readers may find the official language of the proposed rule, will be published in the Board’s newsletter, *The Communicator*, and mailed to all current licensees and certificate holders.

Our Notice Plan also includes giving notice required by statute. We will mail the proposed rules and the Notice of Intent to Adopt to everyone who has registered to be on the Board’s rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116.

## **CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT**

As required by Minnesota Statutes, section 14.131, the Board will consult with Minnesota Management and Budget (MMB). We will do this by sending MMB copies of the documents that we send to the Governor’s Office for review and approval on the same day we send them to the Governor’s office. We will do this before the Board’s publishing the Notice of Intent to Adopt. The documents will include: the Governor’s Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The Board will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to OAH at the hearing or with the documents it submits for ALJ review.

## **DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION**

As required by Minnesota Statutes, section 14.128, subdivision 1, the Board has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The Board has determined that they do not because the rules pertain to individuals applying for licensure or certification by this Board and to individuals who are already licensed or certified by this Board, not to entities. Compliance with the rules falls on these individuals and enforcement of the rules falls solely on the Board.

## **COST OF COMPLYING FOR SMALL BUSINESS OR CITY**

### **Agency Determination of Cost**

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

The Board has made this determination based on the probable costs of complying with the proposed rule, as described in the Regulatory Analysis sections on pages: 3-4, 7-8, 11-12, and 14-15 of this SONAR.

## LIST OF WITNESSES

If these rules go to a public hearing, the Board anticipates having the following witnesses testify in support of the need for and reasonableness of the rules.

Each of these individuals will testify to the value of the amendments to the landscape architect education and experience rules:

Ms. Marjorie Pitz, Landscape Architect  
Mr. John Uban, Landscape Architect

Each of these individuals will testify to the value of the amendments to the certified interior designer education and experience rules:

Ms. Lyn Berglund, Certified Interior Designer  
Ms. Mary Deeg, Certified Interior Designer

Each of these individuals will testify as to the need and reasonableness of the changes embodied in the proposed rules:

Ms. Kristine Kubes, Public Member, Board Chair  
Mr. William Arockiasamy, Professional Engineer, Board Vice Chair  
Mr. Doug Cooley, Professional Engineer, Board Secretary  
Mr. David Landecker, Land Surveyor, Board Treasurer  
Mr. Gary Demele, Architect  
Mr. David Fisher, Certified Building Official, Public Member  
Mr. Jim Grube, Professional Engineer  
Mr. Tom Grue, Professional Engineer  
Ms. Lisa Hanni, Land Surveyor  
Mr. Bruce Johnson, Professional Geologist  
Mr. David Krech, Professional Engineer  
Ms. Billie Lawton, Public Member  
Mr. Paul May, Architect  
Ms. Micki Miller, Public Member  
Mr. Peter Miller, Professional Soil Scientist  
Mr. Carl Peterson, Certified Public Accountant, Public Member  
Mr. Robert Seeger, Architect

## CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

22 Nov. 2010  
Date

  
Doreen Frost  
Executive Director