

**Secretary Of State  
Office of Professional Regulation  
Report to the Legislature on the Licensure of Landscape Architects**

In 2003 and 2006 the Vermont Chapter of the American Society of Landscape Architects submitted applications for Preliminary Sunrise Review. They sought licensure for their profession. Both reviews concluded the request for licensure did not meet the criteria set forth in Chapter 57 of Title 26 and OPR recommended against regulation of the profession.

Act 84 of 2009 made landscape architects subject to state regulation. The Act contained the following findings:

- (1) All states in the United States, with the exception of Vermont, regulate the profession of landscape architects.*
- (2) Most states do not have sunrise criteria for regulation of new professions such as that set forth in chapter 57 of Title 26.*
- (3) Landscape architecture is the fastest growing profession among design professions.*
- (4) Architects', engineers' and landscape architects' scopes of practice overlap.*
- (5) Architects and engineers are licensed by the state of Vermont, while landscape architects are not.*
- (6) The general welfare of Vermonters is impacted by the work of landscape architects and those impacts continue to grow with the growth of the profession.*
- (7) There are economic and environmental side effects resulting from the lack of regulation of landscape architects.*
- (8) It is clear that the provisions set forth in this act may benefit the Vermont economy and environment by promoting the landscape architect profession within and outside of the state.*
- (9) While it is not clear that regulation of landscape architects will benefit the public health, safety or welfare, or that unregulated practice will harm or endanger the public health, safety or welfare, the potential for those issues to affect Vermonters is bound to increase as the services become more popular.*
- (10) Based on the foregoing, the profession of landscape architects should be licensed as set forth in this act.*

The Act also contained a sunset provision of sorts:

***Review by Director of the Office of Professional Regulation; Repeal....(b) On or before December 31, 2013, the director shall file a report with the house and senate committees on government operations on whether this act has benefitted the public health, safety or welfare. The report shall make a specific finding of whether or not this act has benefitted the public health, safety or welfare. If the report finds no such benefit, this act shall be repealed on July 1, 2014.***

Since the Act's passage 88 individuals have applied for and been granted landscape architect licenses. OPR has received three complaints about landscape architects. One was a billing issue and two were for unlicensed practice for failure to renew a license at the end of the licensing period.



Although not obvious in Vermont to date, other states have had enforcement actions against licensed landscape architects. While the OPR stands by its original position that there are other means by which the public can be protected from landscape architects and the need for licensure is minimal, at best, the confusion that would result from undoing licensure at this point may cause more harm than good. Furthermore, the specific language in the findings of Act 84 defines the “public health, safety and welfare” in very broad terms. Under those terms, OPR finds that the public has benefitted from licensure of the profession. The language is written in such a way as to not set a dangerous precedent opening the door to regulation of other professions where licensure may not be appropriate under the sunrise review criteria.

OPR recommends the Legislature do nothing at this time with respect to Landscape Architect regulation.

Respectfully submitted:

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Director