

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Board of Landscape Architects

RULE CITATION: All rules filed on November 14, 2014

RECOMMENDED ACTION:

Approve, but note staff's comment

Object, based on:

Lack of statutory authority

Unclear or ambiguous

Unnecessary

Failure to comply with the APA

X Extend the period of review

COMMENT:

The filing deadline for responses to technical change requests was Wednesday, December 10, 2014. A version of the rules was filed by the deadline. It was the first time that staff counsel had seen any revisions and a significant number of the technical change requests were not completed. In addition, staff counsel had attempted to address several concerns within specific rules through inquires in the technical change requests. No response was provided to those inquires until the afternoon of Sunday, December 14th. Staff counsel will continue to work with the agency to resolve the issues with these rules; however, the rules have not been finalized to the extent necessary for staff counsel to recommend approval of all 18 rules submitted. In light of the agency's response on Sunday, December 14th, staff counsel is reviewing the rules an additional time to determine what rules will require staff opinions. The agency has indicated that responses will likely be provided to the staff opinions once filed.

Therefore, I am recommending extending the period of review for the rules filed for the Board of Landscape Architects until the January 2015 Rules Review Commission meeting.

Abigail M. Hammond
Commission Counsel