



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

March 31, 1975

Opinion No. 75- 143

Mr. Robert P. Ealy, Secretary
Kansas State Board for the Registration
and Examination of Landscape Architects
P. O. Box 741
Manhattan, Kansas 66502

Dear Mr. Ealy:

In your letter of March 11, 1975, you ask whether the Board should allow Mr. Marvin Thomas to be registered as a Landscape Architect through the grandfather clause provision in K.S.A. 6-215.

The facts are that Mr. Thomas submitted an incomplete application to the Board on May 19, 1969. The deadline for application to be certified under the grandfather procedures was July 1, 1969. The Thomas' application was incomplete in that there were not three (3) references. The three (3) references were finally received by the Board on the following dates: June 1, 1970; June, 1970; and May 13, 1972. The references were not wholly favorable. In addition, the samples of work provided by Mr. Thomas were only marginally satisfactory.

In reviewing the facts, it is clear that Mr. Thomas did not submit a complete application until May 13, 1972. This is nearly three (3) years after the statutorily prescribed deadline of July 1, 1969.

The Board is limited by statute in the matter of registering landscape architects under the grandfather provision. The statute states the requirements thus:

"At any time within one (1) year after this act becomes effective, upon due application therefor and the payment of the registration fee of thirty-five dollars (\$35), the board shall issue a certificate of registration and seal without oral or written examination to any practicing landscape architect, architect or engineer

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of good character who shall submit under oath evidence satisfactory to the board that he was practicing landscape architecture at the time this act becomes effective, and has had responsible charge of work of a character satisfactory to the board. After this act shall have been in effect one (1) year the board shall issue a certificate of registration only as provided for in section 13 and 14 [6-213, 6-214]."

[Emphasis supplied.]

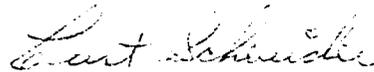
It is clear that the Board may not issue a certificate of registration for landscape architects under this provision after July 1, 1969. While it may have been possible to be somewhat flexible in allowing for paperwork, confusion, newness, etc., the possibility of issuing a certificate nearly six (6) years after the prescribed deadline exceeds any definition of flexibility and appears to me unreasonable.

After examining the facts as you described them to me, I can find no legal justification for issuing Mr. Thomas a license under the provisions of K.S.A. 60-215. Even if Mr. Thomas' application is complete and meets the standards of the Board, it is so late that there is no possible way to meet the requirements of the statute.

Therefore, it is my recommendation that Mr. Thomas' application for a certificate of registration under the provision of K.S.A. 60-215 be denied. If Mr. Thomas is still desirous of a certificate, he should submit a regular application, conforming to the requirements of K.S.A. 60-212 through 214 and to the regulations of the Board.

I hope this answers your question. If you need any further help, feel free to call on us at any time.

Very truly yours,



CURT T. SCHNEIDER
Attorney General

CTS:PAH:bv:kns