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Scott Walker, Governor Laura Gutiérrez, Secretary

LANDSCAPE ARCHITECTS SECTION Room 121A, 1400 E Washington Avenue, Madison

Contact: Erin Karow (608) 266-2112 May 15, 2018

The following agenda describes the issues that the Section plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a description of the actions of the Section.

AGENDA

9:00 A.M.

OPEN SESSION - CALL TO ORDER - ROLL CALL

- A. Adoption of Agenda (1-3)
- B. Approval of Minutes of January 25, 2017 (4-8)
- C. Administrative Matters
 - 1. Department Updates
 - 2. Staff Updates
- D. Legislative and Administrative Rule Matters Discussion and Consideration (9-11)
 - 1. A-E 9, Relating to Landscape Architect Registration
 - 2. Update on Pending and Possible Rulemaking Projects
- E. Council of Landscape Architectural Registration Boards (CLARB) Update
- F. Speaking Engagements, Travel, or Public Relations Requests
- G. Deliberation on Items Added After Preparation of Agenda:
 - 1. Introductions, Announcements and Recognition
 - 2. Election of Officer(s)
 - 3. Appointment of Liaison(s)
 - 4. Administrative Matters
 - 5. Education and Examination Matters
 - 6. Credentialing Matters
 - 7. Practice Matters
 - 8. Legislation/Administrative Rule Matters
 - 9. Liaison Reports
 - 10. Informational Items
 - 11. Disciplinary Matters
 - 12. Presentations of Petitions for Summary Suspension
 - 13. Petitions for Designation of Hearing Examiner
 - 14. Presentation of Proposed Stipulations, Final Decisions and Orders

- 15. Presentation of Proposed Final Decisions and Orders
- 16. Presentation of Interim Orders
- 17. Petitions for Re-Hearing
- 18. Petitions for Assessments
- 19. Petitions to Vacate Orders
- 20. Requests for Disciplinary Proceeding Presentations
- 21. Motions
- 22. Petitions
- 23. Appearances from Requests Received or Renewed
- 24. Speaking Engagement(s), Travel, or Public Relation Request(s)

H. Public Comments

CONVENE TO CLOSED SESSION to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

- I. Deliberation on Division of Legal Services and Compliance (DLSC)
- J. Credentialing Matters Discussion and Consideration (12-13)
 - 1. Application Reviews
- **K.** Deliberation of Items Received After Printing of the Agenda
 - 1. Education and Examination Matters
 - 2. Credentialing Matters
 - 3. Deliberation on Division of Legal Services and Compliance (DLSC)
 - 4. Monitoring Matters
 - 5. Professional Assistance Procedure (PAP) Matters
 - 6. Petitions for Summary Suspensions
 - 7. Petitions for Designation of Hearing Examiner
 - 8. Proposed Stipulations, Final Decisions and Order
 - 9. Proposed Interim Orders
 - 10. Administrative Warnings
 - 11. Review of Administrative Warnings
 - 12. Proposed Final Decisions and Orders
 - 13. Matters Relating to Costs/Orders Fixing Costs
 - 14. Case Closings
 - 15. Petitions for Assessments and Evaluations
 - 16. Petitions to Vacate Orders
 - 17. Motions
 - 18. Appearances from Requests Received or Renewed
- L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

M. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

N. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING DATE: AUGUST 28, 2018

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 1400 East Washington Avenue, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Interpreters for the hearing impaired provided upon request by contacting the Affirmative Action Officer, 608-266-2112.

LANDSCAPE ARCHITECTS SECTION

OF THE EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS AND PROFESSIONAL LAND SURVEYORS MEETING MINUTES January 25, 2018

PRESENT: Andrew Albright (via GoToMeeting), Kenneth Arneson (via GoToMeeting/excused at 10:56 a.m.), Tim Garland, Michael Kinney (via GoToMeeting/excused at 10:31 a.m.), Rosheen Styczinski

STAFF: Erin Karow, Executive Director; Emily Handel, Bureau Assistant; and other Department staff

CALL TO ORDER

Rosheen Styczinski, Chair, called the meeting to order at 9:06 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Andrew Albright moved, seconded by Tim Garland, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 5, 2017

Approval of Minutes

• Page 2 of Minutes: Correct the following the date listed in the footer of page 2 as follows: September 5, 2017 2015

MOTION: Tim Garland moved, seconded by Andrew Albright, to approve the minutes of the September 5, 2017 meeting as amended. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

SECTION CHAIR

NOMINATION: Michael Kinney nominated Rosheen Styczinski for the Office of Section Chair.

Erin Karow called for nominations three (3) times.

Rosheen Styczinski was elected as Chair by unanimous consent.

Roll Call Vote: Andrew Albright-yes; Kenneth Arneson-yes; Tim Garland-yes; Michael Kinney-yes; and Rosheen Styczinski-yes.

VICE CHAIR

NOMINATION: Tim Garland nominated himself for the Office of Vice Chair.

Erin Karow called for nominations three (3) times.

Tim Garland was elected as Vice Chair by unanimous consent.

Roll Call Vote: Andrew Albright-yes; Kenneth Arneson-yes; Tim Garland-yes; Michael Kinney-yes; and Rosheen Styczinski-yes.

SECRETARY

NOMINATION: Rosheen Styczinski nominated Michael Kinney for the Office of Secretary.

Erin Karow called for nominations three (3) times.

Michael Kinney was elected as Secretary by unanimous consent.

Roll Call Vote: Andrew Albright-yes; Kenneth Arneson-yes; Tim Garland-yes; Michael Kinney-yes; and Rosheen Styczinski-yes.

2018 ELECTION RESULTS				
Section Chair	Rosheen Styczinski			
Vice Chair	Tim Garland			
Secretary	Michael Kinney			

Appointment of Liaisons and Alternates

2018 LIAISON APPOINTMENTS				
Credentialing Liaisons	Tim Garland Alternate – Rosheen Styczinski Tim Garland Alternate – Rosheen Styczinski Kenneth Arneson Alternate – Rosheen Styczinski			
Continuing Education Liaison				
Professional Assistance Procedure (PAP) and Monitoring Liaison				
Legislative Liaison	Rosheen Styczinski Alternate – Tim Garland			
Travel Liaison	Rosheen Styczinski			
Rules Committee	Rosheen Styczinski			
Screening Panel	Michael Kinney			

MOTION: Tim Garland moved, seconded by Rosheen Styczinski, to affirm the Chair's appointment

of liaisons for 2018. Motion carried unanimously.

Delegation of Authorities

Document Signature Delegation

MOTION: Michael Kinney moved, seconded by Andrew Albright, to delegate authority to the Chair

or chief presiding officer, or longest serving member of the Section, by order of succession, to sign documents on behalf of the Section. In order to carry out duties of the Section, the Chair, chief presiding officer, or longest serving member of the Section, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Section delegates the authority to Executive Director or designee to sign the name of any Section member on documents as necessary and appropriate.

Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Andrew Albright moved, seconded by Tim Garland, that in order to facilitate the

completion of urgent matters between meetings, the Section delegates it's authority to the Chair or, in the absence of the Chair, the highest-ranking officer or longest serving board member in that succession, to appoint liaisons to the Department to act in urgent

matters. Motion carried unanimously.

Monitoring Delegation

MOTION: Kenneth Arneson moved, seconded by Tim Garland, to adopt the 'Roles and Authorities

Delegated to the Monitoring Liaison and Department Monitor' document as presented.

Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Andrew Albright moved, seconded by Tim Garland, to delegate authority to the

Credentialing Liaisons to make all credentialing decisions. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Tim Garland moved, seconded by Kenneth Arneson, that the Section counsel or another

department attorney is formally authorized to serve as the Section's designee for purposes

of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

Voluntary Surrenders

MOTION: Tim Garland moved, seconded by Rosheen Styczinski, to delegate authority to the

assigned case advisor to accept or refuse a request for voluntary surrender of a license by a licensee who has a pending complaint or disciplinary matter per Wis. Stat. § 440.19.

Motion carried unanimously.

Continuing Education Liaison

MOTION: Rosheen Styczinski moved, seconded by Tim Garland, to delegate authority to the

Continuing Education Liaisons to address all issues related to continuing education.

Motion carried unanimously.

Authorization for DSPS to Provide Section Member Contact Information to National Regulatory Bodies

MOTION: Rosheen Styczinski moved, seconded by Tim Garland, to authorize Department staff to

provide national regulatory bodies with all Section member contact information that the

Department retains on file. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Rosheen Styczinski moved, seconded by Tim Garland, to designate the highest-ranking

officer or, in the absence of the Chair, the second highest-ranking officer or longest serving board member in that succession, to provide a brief statement or link relating to Section-related business within the license renewal notice at the Section's or Section

designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Tim Garland moved, seconded by Kenneth Arneson, to delegate authority to the

Legislative Liaisons to speak on behalf of the Section regarding legislative matters.

Motion carried unanimously.

Travel Delegation

MOTION: Rosheen Styczinski moved, seconded by Tim Garland, to delegate authority to approve

any Section Member travel to the Travel Liaison. Motion carried unanimously.

Occupational Licensure Study Liaison

MOTION: Rosheen Styczinski moved, seconded by Tim Garland, to designate the Chair or highest-

ranking officer, as the Section's liaison, and to designate the second highest-ranking officer as an alternate, and to represent and speak on behalf of the Section regarding

occupational license review and related matters. Motion carried unanimously.

(Michael Kinney was excused at 10:31 a.m.)

SPEAKING ENGAGEMENTS, TRAVEL OR PUBLIC RELATIONS REQUESTS

2018 CLARB Annual Meeting – September 27-29, 2018 in Toronto, ON – Attendance Consideration

MOTION: Andrew Albright moved, seconded by Tim Garland, to designate Rosheen Styczinski, as

the Section's delegate, to attend the 2018 CLARB Annual Meeting on September 27-29,

2018 in Toronto, ON and to authorize travel. Motion carried unanimously.

CLOSED SESSION

MOTION:

Tim Garland moved, seconded by Rosheen Styczinski, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Rosheen Styczinski, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Andrew Albright-yes; Kenneth Arneson-yes; Tim Garland-yes; and Rosheen Styczinski-yes. Motion carried unanimously.

The Section convened into Closed Session at 10:36 a.m.

RECONVENE TO OPEN SESSION

MOTION: Tim Garland moved, seconded by Rosheen Styczinski, to reconvene to Open Session.

Motion carried unanimously.

The Section reconvened into Open Session at 11:12 a.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Andrew Albright moved, seconded by Tim Garland, to affirm all motions made and votes taken in closed session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

(Kenneth Arneson was excused at 10:56 a.m.)

CREDENTIALING MATTERS

Application Reviews

MOTION: Andrew Albright moved, seconded by Tim Garland, to approve the application for

Landscape Architect Registration for Jacob Jenkins, once all requirements are met.

Motion carried unanimously.

MOTION: Andrew Albright moved, seconded by Tim Garland, to approve the application for

Landscape Architect Registration for Jeffrey Westendorf, once all requirements are met.

Motion carried unanimously.

ADJOURNMENT

MOTION: Tim Garland moved, seconded by Andrew Albright, to adjourn the meeting. Motion

carried unanimously.

The meeting adjourned at 11:13 a.m.

State of Wisconsin Department of Safety & Professional Services

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request:		2) Date When Request Submitted:				
Helen Leong, Administrative Rules Coordinator		May 3, 2018				
neien Leong, Administrative Rules Coordinator			Items will be consider	red late if submitted after 12:00 p.m. on the deadline		
- A) N				date which is 8 busine	ess days before the meeting	
3) Name of Board, Comm	nittee, Co	uncil, Sections:				
Landscape Architect Section, Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors						
4) Meeting Date:	5) Attac	chments: 6) How should the item be titled on the agenda page?				
May 15, 2018	⊠ Ye			elating to Landscape	e Architect Registration	
7) Place Item in:		8) Is an appearan scheduled?	ce before	the Board being	9) Name of Case Advisor(s), if required:	
Open Session						
Closed Session		,	Board Ap	pearance Request		
40) D !! (I !	. 1 6	⊠ No				
10) Describe the issue a	nd action	that should be add	aressea:			
Update on 2017 Wiscons	sin Act 27	<mark>′8</mark> , The Fair Employ	ment Lav	w, amending s. 111.33	35, Stats.	
11)		,	Authoriza	tion		
Signature of person make	cina this	request			Date	
orginature or person man	9	oquoot			24.0	
Helen Leon	rg				May 3, 2018	
Supervisor (if required)					Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date						
Directions for including supporting documents:						
 This form should be attached to any documents submitted to the agenda. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 						
3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.						

Chapter A-E 9

LANDSCAPE ARCHITECT REGISTRATION

A-E 9.01	Authority and purpose.	A-E 9.04	Education.
A-E 9.02	Requirements for registration as a landscape architect.	A-E 9.05	Examinations.
A-E 9.03	Experience as a landscape architect.	A-E 9.06	Application contents.

A-E 9.01 Authority and purpose. The rules in this chapter are adopted under authority in ss. 15.08 (5) (b), 227.11, 443.035, 443.09 and 443.10, Stats. The purpose of the rules in this chapter is to interpret basic education, experience and examination requirements for registration as a landscape architect as specified in ss. 443.035, 443.09 and 443.10, Stats.

History: Cr. Register, June, 1995, No. 474, eff. 7-1-95.

- A-E 9.02 Requirements for registration as a landscape architect. (1) An applicant for registration as a landscape architect shall submit documentary evidence of having met the requirements under s. 443.035, Stats.
- (2) An applicant who files an application but who does not comply with a request for information related to the application within one year from the date of the request shall file a new application and fee.

Note: Application forms are available upon request to the board office located at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708.

History: Cr. Register, June, 1995, No. 474, eff. 7–1–95; am. Register, January, 1999, No. 517, eff. 2–1–99; CR 15–040: r. and recr. Register May 2016 No. 725, eff. 6–1–16.

A-E 9.03 Experience as a landscape architect.

(1) (a) To qualify as satisfactory experience in landscape architecture for the purposes of s. 443.035, Stats., an applicant's experience shall include the application of accepted principles in the practice of landscape architecture and shall demonstrate an applicant's progressive development of competence to practice landscape architecture. The experience shall be acquired in the areas of the practice of landscape architecture listed in sub. (2) (a) to (g), or in other areas of the practice of landscape architecture which in

- the opinion of the board provide the applicant with a knowledge of principles and data related to the practice of landscape architecture at least equivalent to that which would be acquired by experience in the areas of practice listed. Experience in every listed area is not required.
- (b) To qualify as satisfactory experience in landscape architecture for the purposes of s. 443.035 (1) (a), Stats., an applicant's experience must be obtained subsequent to completion of the education requirements.
- (2) Areas of experience in the practice of landscape architec-
- (a) Project development, management and training, including developing project goals, determining political and legal restraints, scheduling, budgeting and contract compliance.
- (b) Professional practice, including preparing contracts, fulfilling insurance requirements, determining appropriate scope of practice, and ensuring compliance with all legal requirements.
- (c) Site analysis, including gathering and reviewing site analysis data; studying and documenting environmental factors and impacts; producing site analyses of existing physical, psychosocial, human factor, economic and regulatory conditions; analyzing results of site data to determine project feasibility; and making recommendations based on site analyses.
- (d) Preliminary design, including developing and reviewing potential programs to ensure optimum results; developing design programs to best ensure a client's goals and objectives; develop-

ing spatial study plans showing design components; developing potential design alternatives; presenting draft designs and preliminary plans to clients; coordinating with allied professionals; developing preliminary cost estimates; determining regulatory approval requirements; and rendering detailed exhibits of preliminary plans for client approval.

- (e) Design development, including establishing planting lists, establishing irrigation requirements, establishing construction elements, establishing grading plans, establishing lighting plans, refining cost estimates, and reviewing for compliance with federal, state and local codes, with the requirements of the Americans with disabilities act of 1990 (42 USC 12131) and with required public approvals.
- (f) Preparation of construction documents, including inventorying required construction documents; preparing demolition plans; preparing tree removal and preservation plans; preparing grading and drainage plans; preparing detailed layout staking or construction plans; performing calculations required by local regulatory bodies; obtaining soil tests; preparing planting plans; preparing lighting plans; preparing construction details for all site elements for construction implementation; and coordinating each of these elements with other project design professionals.
- (g) Construction administration, including preparing cost estimates for all elements of a project; obtaining client and regulatory approvals; compiling bid documents; assisting clients in contractor selection; ensuring quality control as projects progress; conducting and documenting regular site meetings; responding to field questions and issues; verifying contractor billings; issuing necessary change orders; creating punch lists for review of design implementation; conducting final walk-throughs to verify design compliance; and conducting post-construction evaluation visits.
- (3) Not more than one year of satisfactory experience credit may be granted for any calendar year.

History: Cr. Register, June, 1995, No. 474, eff. 7–1–95; CR 12–039: renum. (1) to (1) (a), cr. (1) (b) Register June 2014 No. 702, eff. 7–1–14.

- **A–E 9.04 Education. (1)** In satisfaction of the education requirement under s. 443.035 (1) (a), Stats., the board accepts bachelor's or master's degrees in landscape architecture granted by a college or university accredited by the landscape architecture accreditation board of the American society of landscape architects or a degree determined by the board to be equivalent thereto. If the degree is from an international educational institution, the applicant shall provide an official evaluation by a transcript evaluation service acceptable to the board which shows that the degree is equivalent to a bachelor's degree in landscape architecture or a master's degree in landscape architecture granted by a college or university accredited by the landscape architecture accreditation board of the American society of landscape architects.
- (2) In satisfaction of the education requirement under s. 443.035 (1) (b), Stats., the board accepts coursework in landscape architecture completed at a college or university accredited by the landscape architecture accreditation board of the American society of landscape architects, or other equivalent college level coursework in landscape architecture or in an area related to landscape architecture, completed at a college or university accredited

by a regional accrediting agency approved by the state board of education in the state in which the college or university is located.

History: Cr. Register, June, 1995, No. 474, eff. 7–1–95; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, September, 1999, No. 525.

- **A–E 9.05 Examinations. (1)** SCOPE OF WRITTEN EXAMINATIONS. (a) An applicant for initial registration as a landscape architect shall pass an examination determined by the landscape architecture section to assess knowledges required for the professional practice of landscape architecture.
- (c) The passing scores set by the board represent the minimum competency required to protect public health and safety.
- **(4)** EXAMINATION AND REFUND FEES. The fee for the examinations for landscape architects, and the requirements for refund of fees are specified in s. 440.05, Stats., and ch. SPS 4, respectively.
- (7) REEXAMINATION. An applicant failing any part of an examination may be reexamined on the part or parts failed, except that after failure of 3 reexaminations, the board shall require a one—year waiting period before further reexaminations on the part or parts failed.
- **(8)** CHEATING. Any applicant for registration who receives aid or cheats in any other manner in connection with the examination shall be barred from completing the examination or shall not be given a passing grade, or both.

History: Cr. Register, June, 1995, No. 474, eff. 7–1–95; am. (6) (b), Register, March, 1996, No. 483, eff. 4–1–96; am. (6) (a), Register, October, 1996, No. 490, eff. 11–1–96; cr. (1) (c) and (8), am. (3), Register, January, 1999, No. 517, eff. 2–1–99; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; CR 12–039; am. (1) (a), r. (1) (b), (6) Register June 2014 No. 702, eff. 7–1–14; CR 15–040; r. (2), (3), (5) Register May 2016 No. 725, eff. 6–1–16.

- **A–E 9.06 Application contents.** An application for registration as a landscape architect shall include:
 - (1) Official transcripts of graduate and undergraduate train-

- ing, properly attested to by the degree granting institution and submitted by the institution directly to the board.
- **(2)** A chronological history of the applicant's employment or other qualifying experience.
- (3) References from at least 5 individuals, 3 of whom have personal knowledge of the applicant's experience in landscape architecture and are engaged in the practice of landscape architecture. If 3 references from individuals who are engaged in the practice of landscape architecture are not available, the section may accept references from individuals actively engaged in the practice of an allied profession. One of the 3 references having personal knowledge of the applicant's experience in landscape architecture shall be licensed or registered as a landscape architect by the licensing authority of some licensing jurisdiction in the United States or Canada.
 - (4) The fee required under s. 440.05 (1), Stats.
- (5) For applicants previously licensed in another state, territory or possession of the United States or in another country, verification of the applicant's licensure in the licensing jurisdiction of original licensure or, if the applicant has permitted his or her registration in the jurisdiction of original licensure to lapse, verification of licensure in the licensing jurisdiction where the applicant is currently licensed and where the applicant was last engaged in the practice of landscape architecture.
- **(6)** For applicants who have a pending criminal charge or have been convicted of a crime, all related information necessary for the board to determine whether the circumstances of the pending criminal charge or criminal conviction are substantially related to the circumstances of the practice of landscape architecture.
- (7) Any additional data, exhibits or references showing the extent and quality of the applicant's experience that may be required by the landscape architect section.

History: Cr. Register, June, 1995, No. 474, eff. 7–1–95; CR 12–039; am. (3) Register June 2014 No. 702, eff. 7–1–14.