

MINUTES
South Carolina Board of Architectural Examiners
Board Meeting/Hearings
9:30 a.m., May 22, 2012
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 204
Columbia, South Carolina

Meeting Called to Order

Brad Smith, Chairman, called the meeting to order at 9:33 a.m. Other members present were Stephen Russell, Anthony Lawrence, Tyson Nettles and Barry Jenkins. Member Kate Schwennsen notified the Administrator in advance that she was unable to attend the meeting.

Staff members participating in this meeting included Jan Simpson, Administrator; Alice DeBorde, Administrative Assistant; and Sherrie Moorner, Program Assistant. LLR employees attending the meeting included: James Saxon, Advice Counsel.

Statement of Public Notice

Mr. Smith announced that public notice of this meeting was properly posted at the S. C. Board of Architectural Examiners office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Approval of the January 17, 2012, Meeting Minutes and the April 2, 2012, Conference Call Minutes

Motion To approve the minutes as submitted. Jenkins/Lawrence/Approved

Motion: To change item 7 on the agenda to read "Motion for Reinstatement". Russell/Jenkins/Approved.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Motion for Reinstatement – Harold Eugene Langbehn, Jr. – In December 2005, the South Carolina Administrative Law Court ordered Mr. Langbehn to immediately Cease and Desist from the practice of architecture, required him to complete 24 hours in code-related continuing education and pay a \$1000 fine in order to have his license reinstated. In 2008, the Board again issued an Order to Cease and Desist. To date, Mr. Langbehn has not complied with the provisions of the Order. Mr. Langbehn requested a Motion for Reinstatement be presented to the Board.

Motion to go into Executive Session for legal advice. Nettles/Russell/Approved

Motion to come out of Executive Session. Lawrence/Russell/Approved.

Mr. Langbehn presented his appeal for reinstatement.

Motion to go into Executive Session for Legal advice. Russell/Lawrence/Approved

Motion to come out of Executive Session. Russell/Lawrence/Approved.

Motion: To deny Harold Eugene Langbehn's request for Reinstatement. Nettles/Lawrence/Approved.

Office of General Counsel – No Hearings

Board Agenda Items

Investigations – Office of Investigations and Enforcement Report – Todd Bond – OIE has received four cases since January 1, 2012. Three are under investigation and one is recommended for dismissal.

IRC Recommendation Reports - Mr. Bond presented IRC Recommendations dated March 28, 2012 and May 17, 2012 for a total of nine cases.

Motion: To approve the IRC recommendations as submitted. Russell/Jenkins/Approved.

Office of General Counsel – Administrator Simpson gave the following report for Christa Bell, Office of General Counsel, since she was unable to attend the meeting. OGC has two open cases; fourteen cases have been closed and one is on appeal.

Contract Administration – Members Russell and Smith met with stakeholders in April 2012 to discuss issues regarding contract administration. Mr. Smith contacted John Wasson, president of the SC Building Officials Association, who invited Mr. Smith to the next meeting to make a brief presentation on this issue. The Board would like to pursue this issue and determine the best mechanism to enforce Regulation 11-12(B)(4) and (5).

Incidental Practice – Member Russell met in April with the Board of Professional Engineers and Surveyors to discuss working together to develop a clear definition of incidental practice. Gene Dinkins, a member of the Board of Professional Engineers and Surveyors, will assign this issue to an NCEES Committee for study.

The Board asked Administrator Simpson to schedule a "special meeting" to review the statute for potential updates and to add a definition for "incidental practice." They also asked Administrator Simpson to contact Ron Blicht, incoming president of NCARB, to ask that he consider assigning this as a charge to an NCARB Committee.

Acceptable responses to Request For Proposals – A copy of the letter sent to issuers of RFP's that request fees was presented to the Board for review. Member Jenkins suggested adding the following sentence. "If architects respond with a fee/cost amount, they may be subject to disciplinary action taken by this Board."

Administrator Simpson discussed with the Board the following issues regarding RFP's

- What if the proposer requests a bid in a sealed envelope? The Board determined that submitting a bid in this manner would be a violation of architecture law.
- What if the architect's fee is given to another member of the team and not to the requestor? The Board determined that it is acceptable if the fee becomes part of the overall fee structure embedded in the proposal.

- Is it acceptable to give a fee if the project is not purely for architectural services? The Board determined that this would be acceptable as long as the respondent isn't performing architecture as part of their services.

Election of Officers

The following persons were unanimously elected to serve as officers of the Board, effective July 1, 2012, through July 1, 2013.

Steve Russell, Chair
Tyson Nettles, Vice-Chair
Anthony Lawrence, Secretary

Pending Legislation

Motion: To support the original House Bill 1137, not the amendment to the bill that would not provide immunity for individuals licensed by reciprocity. Russell/Jenkins/Approved.

Member Nettles reported that Bill 1467 has passed the Senate and was referred to the House in May. This bill is an amendment to Section 40-1-43.

Cell Phone/Internet Usage during Board Meetings - Member Russell requested that all board members and staff turn off cell phones during meeting/hearings and to refrain from engaging in non-Board related business while meetings are in session.

Parameters for Renewals/Initial Licensure & Reinstatements

Motion: To approve the update to the parameters for initial applications and reinstatements to add the following: Russell/Lawrence/Approved.

- Licensees with misdemeanors that are five years old or older are not required to appear before the Board for approval of the application.
- Licensees with felony or misdemeanor convictions within the last five years must come before the Board for a decision on the application.

No changes were made to the renewal parameters.

Revisions to Regulations for Continuing Education – Administrator Simpson submitted proposed draft language to regulations for continuing education for the Board to review.

Motion: To proceed to a final draft on the revisions to regulations for continuing education. Russell/Lawrence/Approved.

Letters of Caution

Motion: To allow the Board administrator to continue to sign Letters of Caution on behalf of the Board. Jenkins/Russell/Approved.

NCARB 2012 Resolutions

Motion: To vote against Resolution 2012-05 on the amendment to NCARB membership dues. Russell/Lawrence/Approved.

Motion: To vote in favor of the following proposed NCARB Resolutions; 2012-01, 2012-02, 2012-03, 2012-04, 2012-06, 2012-07, 2012-08, 2012-09, 2012-10, 2012-11 and 2012-12. Russell/Lawrence/Approved.

2013 SC/NCARB Regional Meeting - The 2013 SC/NCARB Regional Meeting will be held on March 8-9, 2013, in Charleston, SC. As host state, the Board will assist Jenny Wilkinson, Region 3 Executive Director, and Anne Smith, Regional Chair, with planning the event. Region 4 and Region 5 will be guests. Simpson advised the Board that she did site visits to the Francis Marion House and the Mills House and welcomed suggestions from the Board on planning social events for participants.

Funding Requests

Ethics Seminar – Clemson University's Rutland Institute of Ethics is interested in holding three Ethics workshops. Three funding requests were presented to the Board for a total of \$36,000 (\$12,000 per seminar). The Board requested additional information from the Rutland Institute regarding the amount requested and a breakdown on how the funding would be used per seminar.

IDP Registration Program Funding Request

Motion: To approve a funding request from Clemson University's School of Architecture for \$18,000 to pay for student enrollment and membership costs in the Intern Development Program (IDP). Russell/Nettles/Approved.

AIA Greenville ARCHiLAMP Funding Request – Burgess Metcalf with AIA Greenville submitted a funding request for ARCHiLAMP which provides professional and personal development opportunities for Emerging Professionals through structured mentoring programs. He requested a total of \$6,000 for the program year.

Motion: To approve funding in the amount of \$2500 to AIA Greenville – ARCHiLAMP with specific restrictions that the funding is used only for speakers and other program costs. Nettles/Russell/Approved.

Motion amended: To include that the continuing education given for attendance at ARCHiLAMP events be related to health safety and welfare. Jenkins/Nettles/Approved.

Administrator's Report

Regulations - The "clean-up" of Regulations, begun in 2011 by former Director Templeton, is almost complete. The Legislature required specific fees rather than a range of fees; the revised fees schedule that the Board approved by conference call is now under Legislative committee review and should be approved by the end of the current session.

Application Statistics - In calendar year 2011, we processed 103 initial applications for Architects and 28 applications for firms. All initial exam applications are submitted to NCARB and then transmitted to the SC Board upon completion of the ARE.

Between January 1, 2012, and May 15, 2012, we have processed and licensed 58 architect applications and 12 firm applications.

Licensure Statistics – There are currently 3,695 actively licensed architects and 1,256 actively licensed firms in the State of South Carolina.

Financial Reports – The Board accepted as information the March and April Financial Reports as submitted.

The next meeting of the SC Board of Architectural Examiners will be held September 18, 2012.

Motion - To adjourn the meeting. Russell/Lawrence/Approved.

The meeting adjourned at 1:56 p.m.

Respectfully submitted,


Alice M. DeBorde, Administrative Assistant