

MINUTES
South Carolina Board of Architectural Examiners
Board Meeting/Hearings
9:30 a.m., November 13, 2012
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 204
Columbia, South Carolina

Meeting Called to Order

Stephen Russell, Chairman, called the meeting to order at 9:34 a.m. Other members present were Brad Smith, Anthony Lawrence, Kate Schwennsen and Charles Muldrow. Member Tyson Nettles notified the Administrator in advance that he would not be able to attend the meeting.

Staff members participating in this meeting included Jan Simpson, Administrator; Alice DeBorde, Administrative Assistant; and Sherrie Moorer, Program Assistant. James Saxon, Advice Counsel, advised the Board.

Statement of Public Notice

Mr. Russell 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 September 18, 2012, Meeting Minutes

Motion To approve the minutes as submitted. Schwennsen/Muldrow/Approved.

Agency Director, Holly Pisarik was unable to attend the meeting as planned.

Office of General Counsel - Hearings.

No hearings were scheduled for this meeting

Application Hearing – Glen G. Deisler

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

Glen G. Deisler submitted a reinstatement application to the Board on September 11, 2012. He was originally licensed in South Carolina by examination, but his license expired June 30, 1999. Mr. Deisler has not been licensed in any other state since 1999. Staff could not approve his application.

Motion to go into Executive Session for legal advice. Smith/Lawrence/Approved

Motion to come out of Executive Session. Schwennsen/Smith/Approved.

Motion: To grant licensure on the following conditions: that he pay all fees as determined by staff; that he provide documentation for completion of all continuing education required from the

date his license lapsed to the current licensure period (120 hours of CE all in HSW); that he not represent himself in any manner as a South Carolina architect until properly licensed; and that he meet all South Carolina requirements. Staff will determine the fees and number of hours of continuing education required. Lawrence/Smith/Approved.

Board Agenda Items

Incidental Practice – The Board would like to work with the S.C. Board of Registration for Professional Engineers and Surveyors to discuss issues related to incidental practice and possibly draft a definition acceptable to both Boards. Mr. Russell will attend the November 14, 2012, meeting of the Board of Professional Engineers and Surveyors to propose setting up a joint committee. Mr. Lawrence plans to attend pending the rescheduling of another meeting.

Revisions to Regulations – The Board reviewed proposed changes to sections of Regulation 11, specifically to bring the Continuing Education requirements in line with Model Regulations of the National Council of Architectural Registration Boards. Proposed changes also state specific fees at the request of the House Labor Commerce and Industry committee earlier in 2012.

Motion: To accept the proposed changes with minor revisions (see attached).
Smith/Schwensen/Approved.

Construction Management – South Carolina Regulations 11-12(B) (4) and (5) require architects who are not contracted to provide minimum construction administration services to report such to the building owner and the local permitting authority. Brad Smith has met with an official of the SC Building Officials Association who agreed that adding a check-box to the permit application for an architect to indicate if he will/will not provide construction administration services is a good idea. Mr. Smith suggested asking Gary Wiggins, Administrator, SC Building Codes Council and SC Contractors Board, for an advisory opinion or similar statement to SC Building Officials regarding the addition of the check-box to their permit application. The Board will contact Building Officials asking for their cooperation.

Sealing of Division 1 Materials Provided by Others – An issue was brought to the Board's attention regarding architects being asked to seal portions of Division 1 materials drafted by others. Sealing the work of others when the architect has not supervised it is prohibited by law. The Board would like to draft an interpretation of Board statutes and regulation for distribution to the state agencies and parties involved regarding architects' sealing others' work and the liability they incur when doing so.

Funding Requests

No funding requests were presented to the Board.

Office of Investigations and Enforcement – Todd Bond, Chief Investigator, reported that there are currently three active investigations.

IRC Recommendation Reports – No reports presented to the Board.

Office of General Counsel – Christa Bell, Assistant General Counsel, reported three cases: one is pending action and two are pending Memoranda of Agreement that are currently being drafted. Since January 2011, the Office of General Counsel has closed 19 cases.

Administrator's Report

LICENSE STATISTICS – Active licenses as of October 24, 2012

Credential	Description	Count
AR	Architect	3812
ARA	Partnership Firm	14
ARB	Business Corporation Firm	182
ARC	Professional Association Firm	87
ARD	Sole Proprietor Firm	24
ARF	Firms	988
subtotal		5107
6 items		

AR = Architects

ARA, ARB, ARC, ARD and ARF = Architectural Firms

NCARB Meeting for Administrators and Board Chairs - Tyson Nettles and I represented South Carolina at the meeting held in Boston, MA, Nov. 3-4. Very innovative ways to gather information were used and it was a productive meeting. The update to the Strategic Plan was unveiled for feedback before going to the NCARB Board in December for discussion and adoption. Continuing education was a focus, but South Carolina's intent to revise Regulations to adopt the Model Law was misrepresented on the US map that was distributed. I have notified NCARB twice that the South Carolina Board intends to go forward with those changes.

The Member Board Executives elected Kate Nosbisch from Virginia to take my place on the NCARB Board of Directors. Her one-year term begins July 1, 2013.

Continuing Education Workshops in 2013 – Administrator Simpson has been in touch with Dan Wueste, Director of the Rutland Institute for Ethics at Clemson, regarding dates for three workshops during the first six months of 2013. Dates have not been finalized.

Education and Research Fund - Clemson's School of Architecture hosted Nick Serfass, NCARB Assistant Director of IDP, for an IDP Convocation on October 10. I attended as well. There was a good turnout of students, and the Board was applauded for providing funding for IDP sign-up for all interested and eligible students. AIA IDP Coordinator Brad Benjamin participated also. The South Carolina Board leads other states in providing funding for future architects, and the program established in South Carolina serves as a model for other states that have also gained statutory authority to provide funding in similar ways. The NCARB presentation was excellent and Mr. Serfass spoke with AIAS and at an AIA/Greenville function while in the area.

NCARB Outreach - CEO Mike Armstrong and two other members of the senior management at NCARB have visited 14 state boards and have plans to visit 15 more in 2013. I would suggest

that we invite them to attend one of our meetings. They also meet with AIA components when possible. Please read the CEO Updates emailed directly to Board members and Administrators. CEO Updates are also posted on the members-only side of the NCARB website.

{end of Administrator's Report}

Board Member Reports – Ms. Schwensen distributed information on Clemson's Centennial Celebrations in 2013, "Southern Roots + Global Reach." The School of Architecture has also earned several awards, including the design/build competition for the Southeast Quadrant. Ms. Schwensen attended the ACSA conference and reported that the University of Minnesota presented a proposal on how to become licensed upon graduation.

Financial Reports – The Board accepted as information the September and October 2012 Financial Reports as submitted.

Joint Regional Meeting in Charleston, March 2013 – Regions 3, 4 and 5 - Two members of the Region 3 Executive Committee and Administrator Simpson met during the meeting in Boston to discuss various issues regarding the Joint Meeting. Options for a tour of an architecturally significant home were discussed as well as details about the specific agenda items. Mayor Riley will welcome the group prior to lunch on opening day. Administrator Simpson is working with Member Schwensen to determine possible ways Clemson School of Architecture students can participate. Plans are moving forward smoothly. South Carolina board members should register and make hotel reservations before the deadline of January 10, 2013. Staff member Alice DeBorde and Administrator Simpson will arrive in time to assist the Regional Executives in preparations.

Mr. Smith proposed a luncheon in 2013 to honor former board members for their service on the Board.

The next meeting of the SC Board of Architectural Examiners will be held January 15, 2013.

Motion - To adjourn the meeting. Schwensen/Smith/Approved.

The meeting adjourned at 2:25 p.m.

Respectfully submitted,



Alice M. DeBorde, Administrative Assistant

Document No.
BOARD OF ARCHITECTURAL EXAMINERS
CHAPTER 11
Statutory Authority: 1976 Code Sections 40-1-70 and 40-3-60

Preamble:

To satisfy the requirements of licensure in the field of architecture, Regulations 11-2 through 11-3, 11-5, and 11-8 through 11-8.1 must be updated in conformance with the current Board of Architectural Examiners Practice Act.

Section-by-Section Discussion:

11-2. Officers.

Adds comma where needed and updates language for clarity.

11-3. Meetings.

Updates language for clarity.

11-5. Applications and Fees.

- A. Adds credit card for application fee payment options.
- B. Deletes fee ranges and states specific fees.

11-8. Renewals.

- A.-B. No changes.
- C. Adds "of Registration" to Lapsed Certificates; changes reinstated and reinstate to renewed and renew; amends time period to comply with statute; adds requirement of 24 continuing education hours.
- D. New subsection addressing Lapsed Certificates of Authorization.

11-8.1. Continuing Education.

- A. No changes.
- B.(1) Deletes "or reciprocity".
- B.(2) Rewords exemption for registrants on active military duty; registrants may be exempt from some or all of the continuing education requirements.
- B.(3) Adds hardship cases may be considered upon submittal of documentation acceptable to the Board.
- B.(4) Rewords emeritus status exemption and adds statutory reference.
- C.(1) Changes 24 continuing education hours each biennial licensure period to 12 hours each calendar year; changes language to "health, safety and welfare" to agree with National Council of Architectural Registration Boards (NCARB) language; adds sentence that carry-over of hours within the licensing period is allowed, but not into the next biennial licensure period.
- C.(2) Changes language from "the preceding period" to "the two calendar years preceding the calendar year in which the license is set to expire"; clarifies language to agree with NCARB standards; deletes the last sentence.
- C.(3) No changes.
- C.(4) Changes time limit from 180 to 45 calendar days for registrant to substantiate claim of disallowed continuing education credit or earn other continuing education credit.
- D. Rewords for clarity; adds time limit of 30 days for compliance with audit and verification requests.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 9:30 a.m. on March 1, 2013. Written comments may be directed to Jan Simpson, Administrator, South Carolina Board of Architectural Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11419, Columbia, South Carolina 29211-1419, or by email to ARCHELP@llr.sc.gov, no later than 5:00 p.m., February 25, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Architects Practice Act. Reg. 11-2 and Reg. 11-3 are edited to remove typographical errors. Reg. 11-5 is amended to comply with S.C. Code Ann. §40-3-50(B), which states "fees for examination, licensure, renewal, and other assessments must be established by the board in regulation." The fees are currently expressed in a fee range. S.C. Code Ann. §40-3-240(A) provides for application fees and S.C. Code Ann. §40-3-250(A) provides for renewal fees. S.C. Code Ann. §40-3-250(B) specifically references the penalty late fees in Reg. 11-5 (B)(1)(d) and (B)(2)(c). S.C. Code Ann. §40-3-270(A) references that certificate of authorization applicants must pay an application fee. Reg. 11-8 and Reg. 11-8.1 update language to conform to National Council of Architectural Registration Boards (NCARB) standards, simplifying continuing education requirements while maintaining compliance with statutes. S.C. Code Ann. §40-3-250 provides that renewal requirements will be promulgated in regulation.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code, Sections 40-1-70 and 40-3-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulations and post the revised regulations on the agency's web site.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS:

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Board of Architectural Examiners Practice Act.

~~Indicates Matter Stricken~~
Indicates New Matter

Text:

11-2. Officers.

A. Officers of this Board shall be chairman, vice-chairman, and secretary, and shall be elected annually. The chairman shall exercise general supervision of the Board's affairs, except such as are placed under the Director of the Department of Labor, Licensing and Regulation, and shall preside at all meetings of the Board when present. The vice-chairman shall possess all the powers and perform all the duties of the chairman in the event of the absence, disability, refusal or failure to act of the chairman. The secretary shall act as its recording secretary; cause written minutes of every meeting of this Board to be kept in the Book of Minutes; affix the Board's Seal to such instruments as require it; and sign all instruments and matters that require attestation or approval of this Board.

B. No members may serve more than two (2) consecutive one-year terms in the office of chairman or vice-chairman, but election to fill an unexpired term shall not bar the serving of two (2) succeeding terms. A member must have served one (1) calendar year on the Board to be eligible for the office of chairman and vice-chairman.

11-3. Meetings.

Notice of all meetings shall be distributed to each member at least five (5) days in advance of such meeting, giving the time, place, and general purpose of the meeting. The Annual meeting shall be held within ninety (90) days of the end of the fiscal year. Public notice of the meetings shall be made in accordance with the Freedom of Information Act.

11-5. Applications and Fees.

A. All applications must be accompanied by an application fee in the form of a credit card or check or money order made payable to South Carolina Board of Architectural Examiners. Applications will be reviewed by the Board within ninety (90) days of receipt. If after review by the Board an application is approved, the applicant shall be advised in writing.

B. The Board may charge the following fees:

Application Fee	
Individuals	Not to exceed \$150
Firms	Not to exceed \$150
Examination	Not to exceed \$150
Annual fee	Not to exceed \$150
Renewal Fees – Individuals	
In-state Renewal Fee (annual)	Not to exceed \$150
Out-of-state Renewal Fee (annual)	Not to exceed \$200
Late Renewal Penalty Fees	Not to exceed \$200
Renewal Fees – Firms	Not to exceed \$150
Late Renewal Penalty Fees	Not to exceed \$200
Miscellaneous	
File Transfer	Not to exceed \$50
Duplicate Wall Certificate	Not to exceed \$50

Roster _____ Not to exceed \$50

(1) Individual Fees

(a) Application fee

\$105

(b) Initial licensure fee

\$85

(c) Biennial renewal fee

\$130

(d) Penalty late fees

\$50 during first month after expiration date; total of \$150 during

remainder of the year after expiration. Late penalty fees are assessed in addition to the renewal fee.

(e) Reinstatement application fee

\$105

(f) Reinstatement licensure fee

\$85

(2) Firm Fees

(a) Application and licensure fee

\$100

(b) Biennial renewal fee

\$200

(c) Penalty late fees

\$50 during first month after expiration date; total of \$150 during

remainder of the year after expiration. Late penalty fees are assessed in addition to the renewal fee.

(d) Reinstatement application and licensure fee \$100

(3) Other Fees

(a) File transfer fee

\$50

(b) Electronic list of licensees

\$10

11-8. Renewals.

A. Certificates of Registration issued to individuals expire biennially. They must be renewed for the following licensure period by payment of the renewal fee and by reporting completion of the required continuing education hours. Certificates shall become invalid unless renewed.

B. Certificates of Authorization issued to firms expire biennially. They must be renewed for the following licensure period by payment of the renewal fee and shall become invalid unless renewed.

C. ~~Lapsed Certificates of Registration may be reinstated-renewed by the Board at any time during the remainder of the licensure period within one year from the date of expiration on demonstration of qualification and payment of the renewal fee plus late penalties and demonstration of twenty-four (24) hours of continuing education in health, safety and welfare topics. In case of failure to reinstate-renew by the end of the licensure period within one year from the date of expiration, the Certificate cannot be reissued except by a new application accompanied by the application fee and approval by the Board.~~

D. Lapsed Certificates of Authorization may be renewed by the Board at any time within one year from the date of expiration on payment of the renewal fee plus late penalties. In case of failure to renew within one year from the date of expiration, the Certificate cannot be reissued except by a new application accompanied by the application fee and approval by the Board.

11-8.1. Continuing Education.

A. These requirements shall apply to every South Carolina registered architect as a condition for renewal of registration.

B. Exemptions: A registrant may be exempt from the continuing education requirements for one of the following reasons:

(1) A first-time new registrant by examination ~~or reciprocity~~ will be exempt for the first renewal.

~~(2) A registrant is exempt from completing continuing education requirements for his profession while serving on active military duty~~ may be exempt for some or all of the continuing education requirements.

~~(3) Hardship cases may be considered by the Board on an individual basis upon submittal of relevant documentation acceptable to the Board in its discretion.~~

~~(4) Emeritus architects will be exempt from the continuing education requirements. Architects in Emeritus status as defined in Section 40-3-20.~~

C. Requirements.

(1) Each South Carolina Registered architect shall complete a minimum of ~~twenty-four (24)~~ twelve (12) continuing education hours each ~~biennial licensure period~~ calendar year in topics related to ~~safeguarding life, health, property safety and promoting public welfare. No carry-over of continuing education hours into the next biennial licensure period is permitted. However, carry-over within the~~ licensing period is allowed.

(2) Each registrant shall submit, on a form provided by the board, a signed affidavit attesting to the fulfillment of continuing education requirements ~~during the preceding period for the two calendar years preceding the calendar year in which the license is set to expire. Carry-over of a maximum of twenty-four (24) continuing education hours per renewal period is permitted.~~

(3) Each affidavit may be subject to audit for verification of compliance with requirements. Registrants shall retain proof of fulfillment of requirements for a period of two (2) years after submission in the event the affidavit is selected for audit. Registrants must comply with audit deadlines and requirements.

(4) The Board may disallow claimed credit for continuing education hours. The registrant shall have ~~one hundred eighty (180)~~ forty-five (45) calendar days after notification of disallowance of credit to substantiate the original claim or earn other continuing education credit which fulfills minimum requirements.

D. Noncompliance and Sanctions. Failure to fulfill the continuing education requirements, shall be considered a violation of the Architectural Registration Law. Failure to file the required report, properly completed and signed, or to comply with audit and verification requests within thirty (30) days of notice shall be considered a violation of the Architectural Registration Law.