

MINUTES
South Carolina Board of Landscape Architectural Examiners
Board Meeting/Hearings
10:00 a.m., July 21, 2010
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina

1. Meeting Called to Order

Parks McLeod, vice-chairman, of McLeod Landscape Architects in Greenville, called to order at 10:10 a.m. Other members participating in this meeting included: Barret (Barry) D. Anderson, of Clemson University; Laura Gaynor Dukes, of Allees in Newberry; and John A. Tarkany of John Tarkany Associates, Inc. in Charleston. Morgan D. Grimball, Chairman, of Grimball-Cotterill and Associates in Columbia, had a schedule conflict and was excused from the meeting.

Staff members participating in the meeting included: Sharon Dantzler, Deputy General Counsel, Alice DeBorde, Administrative Assistant; Sandra Dickert, Administrative Assistant; Susan Duncan, Legislative Liaison, Sherri Moorer, Program Assistant; Bob Selman, Legislative Liaison; and Jan Simpson, Administrator.

a. Public Notice

Mr. McLeod stated that this meeting was properly posted at the S. C. Board of Landscape 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.

2. Introduction of Board Members and All Other Persons Attending

3. Approval of the April 28, 2010 Meeting Minutes

Dukes moved to approve the April 28, 2010 meeting minutes. Mr. Tarkany seconded the motion, which carried unanimously.

4. Approval of Agenda

Mrs. Dukes made a motion that the Board approve the agenda as presented. Mr. Tarkany seconded the motion, which carried unanimously.

5. Office of General Counsel – Hearings

Mrs. Dantzler stated if there were any disciplinary hearings it would take place at this time.

6. Application Hearing

a. Innovative Design Group

Mrs. Moorer presented the members with the application regarding Innovative Design Group. The application was approved pending receipt of Articles of Incorporation from the SC Secretary of State.

Ms. Dantzler asked the Board to develop a checklist with all criteria needed for the license application. She went on to say the applicant would appear in an application hearing to offer explanation to the Board. It makes clear on the record the discretion necessary.

b. Jessica Vivian McClung

Mrs. Moorer presented the members with the application regarding Jessica Vivian McClung. The application was approved for reinstatement.

c. Robert M. Mitchell

Mrs. Moorer presented the members with the application regarding Robert M. Mitchell. The application was approved for reciprocity registration.

7. Administrator's Remarks, For Information – Jan Simpson, Sherri Moorer

Ms. Simpson stated the new statute adds two public members to the Board. Public members that are interested in serving on the Board should submit a letter and resume to the Governor expressing their interest and availability to serve on the Board.

a. Legislative Report

There was no legislative report at this time.

Ms. Dantzler asked the Board to vote to authorize staff to publish a Notice of Drafting of Intent to Draft Regulations in the State Register. She noted it would be published in the August 2010 SC State Register.

MOTION

Mr. Tarkany made a motion to publish a Notice of Intent to Draft Regulations in the South Carolina State Register. Mr. Anderson seconded the motion, which carried unanimously.

Ms. Dantzler briefed the Board regarding the procedure to draft regulations.

b. Financial Report

Ms. Simpson had no financial report at this time; however, she will present a report during the next Board meeting.

c. Licensure Statistics Report

There are currently 701 registered landscape architects and 90 landscape architect firms.

d. Board Member Orientation

Ms. Simpson stated there is an orientation manual which needs to be updated. She noted part of the manual which needs to be updated includes travel on SCEIS. Orientation will be held at the September 15, 2010 meeting.

8. Office of Investigators and Enforcement Report and Office of General Counsel Report – Steve Freshley and Christa Bell

a. Review of Complaint Review Process

Ms. Dantzler briefly explained the complaint process to the Board. During her explanation she informed the Board they operate under the Administrative Procedures Act, which prohibits ex parte communication regarding individuals facing the disciplinary process.

b. Formation of IRC (Investigative Review Committee)

Ms. Dantzer stated the Investigative Review Committee (IRC) would include the administrator, the litigating attorney, the investigator, and a member of the landscape architect profession, who is not a member of the Board. The committee would review all complaints which have been investigated and will make a recommendation on disposition on each case individually.

Ms. Simpson asked the members to consider if they wanted to pay the professional for participating in the IRC and if they wanted to allot continuing education hours to the professional for participating in the IRC.

c. Number of Investigations

There are no investigations in progress at this time.

d. Number of Open Cases

There are no open cases at this time.

e. Number of Office of Investigations and Enforcement (OIE) Pending Cases

Ms. Simpson stated Mr. Freshley, a chief investigator with the Office of Investigations and Enforcement, will present the Board with a report regarding complaint statistics regarding landscape architects in later meetings. She noted Mr. Freshley will assign an investigator to the Board.

f. Number of Office of General Counsel (OGC) Pending Hearings

Ms. Simpson stated Ms. Bell will present a statistical report regarding cases pending hearings within the Office of General Counsel.

9. Unfinished Business

Mrs. Moorer notified the board that the order for the May 26, 2010 Administrative Hearing regarding the Gooding versus Bradford Case was issued on June 10, 2010. Mr. Bradford, the landscape architect, was found not guilty on charges of incompetence, negligence, and gross negligence. The decision was not appealed and the order became the final decision of the Department on June 30, 2010.

10. New Business

a. Information Session

Mrs. Moorer provided the Board members with copies of the new law and proposed changes to the regulations. She also provided copies of the By-Laws and Policy Manual that were previously used by the program. The Board can review these documents and determine how they should be used to construct new regulations and policies for the program.

b. Scheduling 2010 meeting dates

The Board set the following meeting dates: September 15, 2010 and October 20, 2010.

The Board set the following meeting dates for 2011:

January 19, 2011 April 13, 2011 July 20, 2011 October 19, 2011

11. Discussion Topics

a. Review of Regulations

Mrs. Moorer briefly discussed the draft regulations she had developed for the Board's review. In addition to the items she proposed, she suggested that information in the former By-Laws and Policy Manual be integrated into regulations and policies developed by the Board.

b. Timelines

A first draft of the regulations should be available by August 23, 2010. The subcommittee, which consist of the Board Members and other individuals they appoint, will meet to discuss this draft on September 15, 2010. The regulations will be further discussed at the October 20, 2010 board meeting. A final draft of the regulations should be prepared by December 10, 2010.

12. Board Member Reports*

Mr. Tarkany has been nominated to serve as CLARB Region III Alternate Director.

13. Public Comments

There were no public comments at this meeting.

14. Executive Session (If needed)*

The Board did not enter executive session.

15. Return to Public Session*

Mr. Tarkany said it's important to make good, strong regulations, rules and policies at this time. However, he also urged the board to consider hardships caused by the bad economy and to build some flexibility into their structure. Mrs. Simpson said provisions can be included to allow for exemptions due to hardship and extenuating circumstances.

16. Adjournment

MOTION

Mr. Anderson made the motion to adjourn the meeting. John Tarkany seconded the motion, which carried unanimously. The July 21, 2010 meeting of the SC Board of Landscape Architectural Examiners adjourned at 1:15 P.M.