

STATE BOARD OF ARCHITECTURAL EXAMINERS

BOARD MEETING MINUTES

November 16, 2006

Suite 111, 110 Centerview Drive

Columbia, SC

The State Board of Architectural Examiners convened November 16, 2006, in Columbia, South Carolina. Chairman W. Barry Jenkins called the meeting to order at 9:40 a.m. The following persons attended the meeting:

W. Barry Jenkins	Chairman
Jose Caban	Vice-Chair
Stokes Browning	Secretary
Dennis S. Ward	Member
Stephen Russell	Member
Jan B. Simpson	Administrator
Todd Bond	Investigator
Sharon Dantzler, Esq.	LLR Advice Counsel
Angie Taylor	Executive Director, AIA/SC
Frank Lucas	LS3P, Charleston, SC

Member Johnson notified the Administrator in advance that he would be unable to attend the meeting due to a scheduled court appearance. Administrative Assistant Alice Richardson was not able to attend due to illness.

Administrator Simpson stated the **public notice** of the meeting was properly posted at the Board office and provided to organizations and news media in compliance with Section 30-4-80 of the S.C. Freedom of Information Act. A quorum was present at all times.

Minutes: Motion by Caban, Second by Russell: To accept the **Minutes** of the September 19, 2006, meeting. Motion carried.

Ethics-Related Inquiry: Revised Agenda: Motion by Ward, Second by Russell to revise the Agenda to recognize Frank Lucas, FAIA, to speak on agenda item #5, clarification of Regulation 11-12(D)(2). This is a follow-up to an appearance at the September meeting by Thom Penney, FAIA, regarding the same issue.

Chairman Jenkins welcomed Mr. Lucas to the meeting. In a prepared statement, Mr. Lucas noted there appears to be confusion and uncertainty regarding gifts that architects and firms may make to charities, educational institutions and their foundations or committees, and other entities without violating the Regulation. Architects have special talents that benefit their communities; institutions often need financial support and donations of time and talent; alumni often wish to make contributions but are unsure of the limits of support. Board Member Russell compared the

SC Regulation to the same provision in NCARB's Model Regulations, noting there is a phrase omitted from the SC Regulation, prohibiting gifts "in connection with a prospective or existing project in which the registered architect is interested." Mr. Lucas asked the Board to consider providing guidelines with regard to this topic and agreed, at the Board's request, to provide input for their consideration.

After discussion about revising the language of Reg. 11-12(D)(2), Jenkins, Ward, and Browning indicated they are satisfied with the current language but believe published general guidelines would be beneficial to the profession. It was noted that the current wording puts more responsibility on the firm or individual architect to be more mindful of gifts made to entities. There was general discussion regarding other "gifts," e.g., making a beach house available at no cost to members of selection committees, golf outings, lavish dinners, or donations to charities or projects identified by selection committee members.

Violations Report:

Investigator Todd Bond reported that the following cases were reviewed by the Investigative Review Committee (IRC) and will go forward with issuance of a Formal Complaint.

Case No. 2006-32

Case No. 2006-34

Case No. 2006-35

Exam Candidates – Motion by Browning, second by Caban: To approve the following persons to begin taking the Architect Registration Examination. Motions carried as noted.

Patricia Dilger, approved 4-1

Julie Voison, approved 5-0

Virginia McAllister, approved 5-0

Construction Administration: Board members discussed again the hazards and potential negative impact of not requiring that architects provide Construction Administration services. They reviewed a recent chart of other states' requirements, language in their statutes, and responses to a survey. The concerns are that many buildings are not built to design specifications, in many instances there is no oversight by the architect during construction, and in other instances, oversight is provided only by someone with a financial interest (owner or contractor). Chairman Jenkins asked Russell and Browning to make a recommendation at the next Board meeting.

Application Hearings

Gerald Rumplick: Motion by Browning, Second by Ward: To defer action on the application pending receipt of Mr. Rumplick's dossier material and a transcript of the BEA interview (if available) from the National Council of Architectural Registration Boards. Motion carried unanimously. The Board agreed to expedite another Hearing so as not to unduly delay a decision on the application.

Joseph Gonzalez: Motion by Jenkins, Second by Ward: To deny the licensure application submitted by Joseph Gonzalez until such time as he could be present to answer questions and present testimony. Motion carried unanimously.

Both Hearings were recorded by a Court Reporter.

Return to Board Meeting Agenda:

S.C. Community Design Summit – Motion by Browning, Second by Russell: To approve \$5000 in funding in support of the Summit in April 2007. Funding will be used for keynote speakers and for registration fees for Clemson University Architecture School students. Motion carried.

Precision Design – Request for clarification

The Board received a request for clarification regarding “full-time employment,” whether a part-time or contract employee may be a firm’s architect in responsible charge, and ownership of architectural firms from Robbie Wilson of Precision Design. After discussion, Board members requested input and opinion from LLR’s legal counsel. Motion by Russell, Second by Browning: To carry this item over until the January 2007 Board meeting.

AIA/SC and OFS CE Workshop: Angie Taylor, Executive Director of AIA/SC, reported the joint workshop held on November 14, 2006, was a success; approximately 180 people attended. She thanked the Board for funding \$5000 for the International Codes Congress speakers.

Executive Session

Motion by Browning, Second by Russell: To go into Executive Session to discuss legal issues.

Motion by Browning, Second by Russell: To come out of Executive Session.

Florida Board Response to Continuing Education Issue

There continues to be concern among Boards of Architecture in the Southern Conference regarding a special continuing education course required for license renewal by the Florida Building Codes Council of all architects registered in Florida. Many Board members believe this requirement creates an impediment, not only to the architects registered there, but also to reciprocity among states. Board Chair Jenkins has spoken of this concern with chairs of the Boards of Architecture in North Carolina, Georgia, and Arkansas. The issue will be placed on the agenda for the Southern Conference Board of Directors meeting held in conjunction with the Educators’ Conference in February 2007. Because the Southern Conference has no authority as a separate entity, each state board must determine how it will respond. It was noted that in addition to the special continuing education course, the Florida Board of Architecture’s continuing education requirement of 10 hours per year of a biennial renewal period falls short of South Carolina’s requirement of 12 hours per annual renewal period, thus adding to the inequality of the requirements.

Motion by Browning, Second by Caban: To adopt the following Resolution,

The South Carolina Board of Architectural Examiners finds that the imposition of special Florida Building Codes continuing education courses represents an impediment to reciprocity. Therefore, the Board finds that the Florida Board of Architecture requirements are not “substantially equivalent” to those required by South Carolina and that each Florida registrant shall be required, as of June 30, 2007, to meet the full requirements of the South Carolina Board of Architectural Examiners of twelve hours per annum. Each Florida registrant shall be subject to audit thereto.”

The motion carried unanimously. A copy of the Resolution will be sent to the Southern Conference Executive Director.

Budget Report for period ending September 30, 2007 – Accepted as information.

Administrator’s Report
License Statistics as of November 1, 2006

Architects	In-state	983
	Emeritus	48
	Out of State	2482
Total:		
Firms		1138

MBE Meeting

I attended the Member Board Executives Meeting in Washington, D.C., November 3-4. One of the main topics of discussion was the MBE serving on the NCARB Board of Directors. The consensus of the group was that MBEs should elect the representative using a procedure similar to that of electing regional directors. The elected MBE would take office after the following Annual Meeting. Other discussion items address voting authority and whether the MBE would also serve as a liaison to NCARB Committees. The consensus of the group was that the MBE should vote and should serve as Committee liaison.

ARE Changes

Due to anticipated changes in the ARE from version 3.1 to 4.0 in July 2008, we will begin working with our technology personnel to accommodate the new division names and number of divisions.

Staff Responsibility Changes

Inter-divisional changes in LLR have resulted in a new approach to handling applications that cannot be approved routinely by staff. Such applications include renewals where the applicant has checked “yes” to any of the disciplinary questions, or reciprocity applications where the applicant indicates previous disciplinary action taken against him by another jurisdiction or by NCARB (such as Certificate revocation). These will no longer be referred to the Office of Investigations and Enforcement but will instead be handled by the licensing staff. In some cases, other boards were already utilizing this process.

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To handle this increase in workload, I have changed responsibilities for a Board of Engineers/Surveyors position that recently became vacant to include processing all “dirty applications” for both boards. These duties will include any resulting Application Hearings, Cease and Desist Orders, and Consent Agreements. The new staff member will also be responsible for legislation for both boards, posting final disciplinary actions to the Web site and reporting same to NCARB’s disciplinary database.

Imaging

We will begin imaging files in the next 3-4 months. *[END OF REPORT]*

Planning for Use of Architect Education and Research Fund

Board members prefer to continue to respond to individual requests for funding rather than to create guidelines that might inadvertently omit possible uses.

Statutes

Mr. Russell and Administrator Simpson will work together to develop a list of potential changes to the Architecture statutes and regulations and suggested language for those changes.

There being no further business, the meeting adjourned at 2:50 p.m.

Respectfully submitted,

V. Stokes Browning
Secretary