

**MINUTES**  
**South Carolina Board of Architectural Examiners**  
**Board Meeting/Hearings**  
**9:30 a.m., May 18, 2010**  
**Synergy Business Park**  
**Kingstree Building**  
**110 Centerview Drive, Conference Room 204**  
**Columbia, South Carolina**

**1. Meeting Called to Order**

Dennis Ward, chairman, called the meeting to order at 9:36 a.m. Other members present were Jose Caban, W. Barry Jenkins, Tyson Nettles, Stephen Russell, and Brad Smith.

Staff members participating in this meeting included Jan Simpson, Administrator, and Alice DeBorde, Administrative Assistant. LLR employees attending the meeting included: Christa Bell, Litigating Attorney; Todd Bond, Investigator; Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; and Eddy Lane, Hearing Advice Attorney.

Ms. Simpson 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.

**2. Introduction of Board Members**

Mr. Ward introduced the Board members.

**3. Approval of the January 26, 2010 Meeting Minutes**

Mr. Russell suggested the following revisions to the minutes:

Mr. Russell suggested the Board members not attend the upcoming NCARB regional or national meetings in consideration of the current financial hardships of so many licensees. Instead, the Board might consider funding something to benefit licensees such as a free continuing education seminar for licensees and interns. Mr. Russell feels that attending conferences in locations like Jackson Hole, while so many licensees are hurting financially or are unemployed, may give licensees the impression of skewed priorities on the part of the Board. Mr. Ward stated no representation at the national conference could have consequences: others could make decisions that might negatively impact South Carolina. He strongly believes the architects in South Carolina should be represented at regional and annual meetings. Mr. Russell stated he would still suggest looking at alternatives for Board expenditures from the Architecture and Education Fund, if NCARB meeting and travel funding cannot be used for seminars, to benefit the licensees the Board represents.

**MOTION**

Mr. Smith made a motion the Board approve the minutes as amended. Mr. Russell seconded the motion, which carried unanimously.

**4. Approval of Agenda**

The agenda was approved as presented.

**5. Office of General Counsel - Hearings**

a. 2008-23 Freeman & Major Architects and Joel Van Dyke. The Board found that the firm and Mr. Van Dyke violated Regulation 11-12(A)(1) and Regulation 11-12(D)(2) and levied a civil penalty of \$2000 to each. Mr. Van Dyke must obtain six continuing education hours in ethics (in addition to the 24 hours required for renewal). Mr. Nettles abstained from the vote.

**6. Application Hearing – David Nocella**

Jose Caban recused himself from participating and voting in this matter. Mr. Nocella's firm, David Nocella Architecture LLC, was granted a license to offer architectural services.

**7. Request for Reconsideration of Acceptance of a Consent Agreement – Timothy Seaman**

Timothy Seaman participated in this matter by conference call. He requested a refund of a \$2,000.00 fine paid as a provision of a consent agreement regarding non-compliance with the continuing education audit. He asserted he did not receive the first two letters regarding the continuing education audit, although he received the final letter and the consent agreement at the same address. He paid the fine to keep his license; he did have the required continuing education but he did not respond to the audit.

**Executive Session**

**MOTION**

Mr. Russell made a motion the Board entered executive session to seek legal advice. Mr. Caban seconded the motion, which carried unanimously.

**Return to Public Session**

**MOTION**

Mr. Russell made a motion the Board return to public session. Mr. Jenkins seconded the motion, which carried unanimously.

**MOTION**

Mr. Smith made a motion the Board deny Mr. Seaman's request to return the fine and to keep the Consent Agreement in force. Mr. Russell seconded the motion, which carried unanimously.

**8. Administrator's Remarks, For Information – Jan Simpson**

a. Legislative Report

The proposed regulations will time out on May 21, 2010 and will become effective on June 25, 2010, upon publication in the State Register. Staff is formatting the changes in a booklet with statutes passed in 2008 and the new Regulations. The Senate LCI committee will meet on May 19, 2010 in regard to the Board's regulations. Bill H.4546 regarding the pilot project did not pass the House of Representatives and was recommitted to the LCI committee. S.1142 is still in Senate LCI committee. The bill to transfer landscape architects and soil classifiers to LLR goes before committee on May 20, 2010.

b. Financial Report

Staff has not received an official financial report since October 31, 2010.

c. Licensure Statistics Report

Staff presented licensure statistics for the Board's information. (See Administrators Report)

d. Design Professionals Meeting Report

Ms. Simpson reported the Design Professionals recently discussed the controversial selection of architects for USC's Darla Moore Business School which did not appear to break any laws. Ms. Simpson noted the selected architect is licensed in South Carolina and the firm was recently licensed. The out-of-state firm teamed with a local firm.

e. **MBE Seat on NCARB Board**

Ms. Simpson announced she is considering running for the Member Board Executive seat on the NCARB Board and would need support of the Board to do so. The election will be held in November 2010, and the one-year term begins after the annual meeting in June 2011. The Board expressed their support.

**9. Office of Investigators and Enforcement Report and Office of General Counsel Report – Todd Bond and Christa Bell**

a. **Number of Investigations/IRC Report**

Mr. Todd reviewed the IRC report.

**MOTION**

Mr. Smith made a motion that case #2010-1 be dismissed. Mr. Nettles seconded the motion, which carried unanimously.

b. **Number of Open Cases**

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

There are currently three active complaints. The oldest case is 440 days old and the newest case is 40 days old.

d. **Number of Office of General Counsel (OGC) Pending Hearings - Christa Bell**

There are three open cases currently in OGC, with two of the cases against one architect. One case has been continued due to respondent's attorney's schedule; OGC has issued a time-certain letter for the hearing to be held in September. One case is pending action by OGC.

**10. Unfinished Business**

a. **Building Official Manual Revision – Set Committee Date**

Ms. Simpson reported the Board of Professional Engineers and Surveyors did not set a date for a joint committee meeting. The Board concluded the Board of Engineers should set a meeting date since they initiated the call to revise the Manual.

**11. New Business**

a. **Election of Officers**

**Chairman**

Mr. Russell nominated Mr. Smith for Chairman. Mr. Caban seconded the nomination. There being no further nominations, Mr. Smith was elected chairman by acclamation.

**Vice Chairman**

Mr. Caban nominated Mr. Jenkins as Vice Chairman. Mr. Russell seconded the nomination. There being no further nominations, Mr. Jenkins was elected Vice Chairman by acclamation.

**Secretary**

Mr. Jenkins nominated Mr. Russell for Secretary. Mr. Smith seconded the nomination. There being no further nominations, Mr. Russell was elected Secretary by acclamation.

The officers for 2011 are as follows: Brad Smith, Chairman; Barry Jenkins, Vice Chairman; and Steve Russell, Secretary. The new officers begin their terms on July 1, 2010.

## **12. Discussion Topics**

### **a. Annual Meeting, NCARB Resolutions, Voting Delegate, Agenda and Activities**

The Board reviewed the NCARB proposed resolutions to be voted on in June. Mr. Ward will be the Board's voting delegate during the annual conference.

Discussion ensued regarding NCARB's strategic plan presented during the regional meeting in March. NCARB will move forward to hire a company to conduct the search for a CEO to replace NCARB's current Executive Vice President, Lenore Lucey..

### **b. Meadors Construction Corporation**

Meadors Construction Corporation was issued a firm license in October 2005. Due to oversight, the name was allowed even though Mr. Meadors is not an architect or other professional as required by law. A complaint was recently filed with OIE. The Board determined when the corporation applies for renewal in August 2011 it must follow the letter of the law and change the corporation name. Ms. Simpson will send a letter to the complainant informing the individual of the Board's resolution of the issue and will also notify the corporation that the name will have to be changed.

### **c. Georgetown RFP**

An RFP issued by the City of Georgetown requesting fees for architecture fees prompted a number of architects to ask the Board how they might respond since the request is in conflict with Section 40-3-300. Ms. Simpson informed the City of the conflict, but they declined to revise and reissue the RFP. The Board has no jurisdiction over the RFP. The Board directed Ms. Simpson to send a request under the South Carolina Freedom of Information Act for the responses received by the City of Georgetown.

### **d. Section 40-3-300 – Range of Acceptable Responses to RFP's**

Ms. Simpson asked the Board for acceptable responses to an RFP that requests fees and includes fees as one of the selection criteria. The procurement code is for public work; however, the statute does not differentiate between public and private work. Discussion on the matter ensued and included topics such as the belief that if private funds were being used for the project, architects may enter directly into negotiation. It was determined an RFP must be followed if federal or state funds are being used.

### **e. Funding Request from Rutland Institute for Ethics**

Clemson University's Rutland Institute for Ethics is requesting funding in the amount of \$14,500.00 for three continuing education ethics seminars to benefit licensees. Rutland Institute for Ethics is an AIA-approved continuing education provider. Discussion ensued regarding the costs associated with such events, possible locations, and benefits to licensees. The board agreed that architecture students should be allowed to attend free of charge; the Architecture School will provide transportation for them; and a small registration fee will be charged. Six continuing education hours will be awarded to participants.

## **MOTION**

Mr. Jenkins made a motion the Board approve the funding request. Mr. Russell seconded the motion, which carried unanimously.

### **f. Use of Education and Research Funds**

Ms. Simpson distributed an article regarding the Maryland's legislature's use of education funds for general fund use. The Board accepted this as information.

g. Review parameters

Ms. Simpson asked the members to reaffirm the parameters staff is authorized to offer in proposed administrative consent agreements. The parameters cover issues such as sanctions taken by other state licensing boards, failure to comply with continuing education requirements for renewal, and other administrative areas.

The Board reaffirmed the parameters and made no changes.

h. Review Appointees to IRC

Per LLR policy, all Boards are asked to review its IRC committee members annually. Don Golightly and Steve Usry are the current committee members; John Gilmore is the alternate and attends meetings. When there are no plans to review, the IRC uses conference calls to the IRC members, a procedure that has worked well. Mr. Usry and Mr. Golightly have been on the committee for approximately five years. Mr. Gilmore was added last year. Mr. Jenkins suggested adding other individuals to ensure availability in case of illness or recusal in any of the disciplinary cases.

**MOTION**

Mr. Jenkins made a motion the Board continue with the current appointees but asked staff to submit names as alternates to broaden the pool. Mr. Russell seconded the motion, which carried unanimously.

i. Roddy Craft – Carolinas AGC - Free CE Credits for Architects

Mr. Roddy Craft of the Carolinas AGC has developed a one-hour continuing education lunch and learn for architects entitled, "What the Heck Happens to Your Plans When Your Job Goes Out for a Bid" as a result of inquiries he has received. He made a presentation to the Board regarding the continuing education course.

Discussion ensued regarding loss of documents when reproduced for contractors and subcontractors. The Board suggested a meeting between AIA and the AGC be held in regard to this issue.

j. NCARB Proposed Changes to BEA Program

The NCARB executive board has made changes to the Broadly Experienced Architect program that include elimination of the interview for architects who wish to get an NCARB certificate but who do not meet the education standard. The proposed changes are now being distributed to member boards for a 30-day review and comment period. The committee chose what they believed to be the best of the available options.

Mr. Smith left the meeting at 2:30 p.m.

Discussion ensued regarding interviewing BEA candidates. The Board is opposed to the proposed changes and will review its policy of automatically accepting BEA applicants in South Carolina.

Ms. Simpson will submit the Board's comments regarding the changes to NCARB no later than June 1, 2010.

k. NCARB Proposed Changes to IDP Program

NCARB's proposed changes to the IDP program are also being presented to the member boards for a 30 day review and comment. The changes include revamping the work settings in which IDP credits may be accrued, allowing credit for completion of EPC exercises, NCARB Monographs and CSI activities, and other rules related to work experience.

**13. Board Member Reports**

a. Report on Clemson School of Architecture (Caban)

Mr. Caban reported Kate Schwensenn has been chosen as his successor as Chair of the School of Architecture beginning August 15, 2010. The renovation and expansion of Lee Hall has begun. The School requested an extension for the NAAB accreditation team's visit until construction has been completed. Robert Miller, director of the school's program in Charleston, resigned effective May 30, 2010. Clemson has lost \$75,000,000.00 in funding over past three years as a result of legislative budget cuts. An offer has been made to a candidate for the position of Dean of the College of Architecture, I Arts and Humanities.

b. Report on NCARB Board of Directors Actions (Ward)

Mr. Ward stated Region Three had the largest number of individuals on NCARB committees of all regions. Thirty-three of the 34 individuals who requested a committee appointment were put on committees. Three SC Board members and Administrator Simpson have been appointed to committees for FY 11.

c. Report on Continuing Education (Jenkins)

Mr. Jenkins stated the Professional Development Committee has completed its work; their recommendations were sent to the Board for approval and discussion at the Annual Meeting in June. He has been reappointed to the committee.

Mr. Ward stated the Committee's evaluations of AIA-sponsored events were submitted to AIA which concurred with most of the evaluations for H/S/W credits. NCARB has determined it will take a stronger position on continuing education in the future. NCARB is assuming some responsibilities for CE activities that AIA can no longer offer. The IDP program has moved from AIA to NCARB with the exception of the AIA education coordinator.

Ms. Simpson asked the Board to consider changes in audit procedures for continuing education compliance. She reported board administrators will work toward an agreement that state boards will not audit out-of-state licensees unless they are not required by any other state board to obtain CE. Under this proposed agreement, each state would audit only its in-state licensees. State boards must agree to this.

CE Audit Report: Ms. DeBorde reported that Marc Hoyle was chosen for random audit in 2009; he requested an extension because he had moved from North Carolina to Pennsylvania then to England, and he did not have ready access to his CE records. The Board granted the extension and gave Mr. Hoyle until May 19, 2010, to submit CE documentation to the Board. Mr. Hoyle e-mailed Ms. DeBorde on May 17, 2010, stating he was still unable to obtain the information since he is out of country, so he obtained an additional 12 HSW units online on May 17, 2010. He requested the Board accept those CE hours in lieu of the others for which he could not provide documentation.

**MOTION**

Mr. Jenkins made a motion that staff notify the licensee the substitute CE courses are not acceptable. He will be notified that he failed to provide proof of CE compliance during the licensure period. Mr. Caban seconded the motion, which carried unanimously.

**14. Public Comments**

No public comments were made during this meeting.

**17. Adjournment**

**MOTION**

Mr. Jenkins made a motion the meeting be adjourned. Mr. Russell seconded the motion, which carried unanimously.

The May 18, 2010 meeting of the SC Board of Architectural Examiners adjourned at 4:01 p.m.

  
Sandra C. Dickert – Administrative Assistant