

MINUTES
SC Board of Architectural Examiners
Board Meeting
9:30 a.m., January 23, 2019
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 108
Columbia, SC

Meeting Called to Order

J. Sanders Tate, Chairman, called the meeting to order at 9:32 a.m. Other members participating were Charles Muldrow, Brad Smith, Katherine Schwennsen and Anthony Lawrence.

Member Amanda Green notified staff that she would be arriving late to the meeting.

Staff members participating in this meeting included Lenora Addison-Miles, Administrator; Alice DeBorde, Program Coordinator; Sharon Cooke, LLR Office of Investigations and Enforcement; Donnell Jennings, LLR Office of Disciplinary Counsel; and Stacey Hewson, Advice Counsel.

Statement of Public Notice

Mr. Tate 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.

Director, Emily Farr was unable to attend the meeting.

Approval of the November 7, 2018 Conference Call, Meeting Minutes

Motion: To approve the minutes as submitted. Smith/Schwennsen/Approved.

Approval of Agenda

Motion: To approve the agenda as submitted. Lawrence/Muldrow/Approved.

Approval of Excused Absences

No excused absences.

Reports

Office of Investigations and Enforcement Report

From January 1, 2018, to December 2018, a total of 12 cases have been closed and one (1) was a do not open; one (1) is pending board action; one (1) is pending drafting Consent Agreement; one (1) is pending drafting Formal Complaint and three (3) are active cases. The Board accepted this as information.

Investigative Review Committee Report

The following IRC Recommendations were submitted to the Board as a result of the December 11, 2018, IRC meeting:

Case No.	Action
2018-13	Dismiss

Motion: To approve IRC recommendations. Muldrow/Lawrence/Approved.

Member Amanda Green joined the meeting.

Office of Disciplinary Counsel Report

As of January 1, 2018, 28 cases have been closed. Three (3) cases have been opened, two (2) are pending board action and one (1) is pending Consent Agreement. The board accepted this as information.

Administrative Report

Beginning January 1st, travel reimbursement will be .58 cents a mile.

Financial Reports

The board accepted as information the September **Financial Reports**.

Licensure Statistics as of January 3, 2018

Credential	Description	Count
AR	Architect	4129
ARA	Partnership Firm	12
ARB	Business Corporation Firm	153
ARC	Professional Association Firm	78
ARD	Sole Proprietor Firm	21
ARF	Firms	1226
	Subt Total	5619

Licensure Statistics – Active licenses as of January 3, 2019

Number of Active Credentials by Prefix and
Subcategory
Board: ARCHITECT
as of 1/3/2019

Credential	Description	Count
AR	Architect	4328
ARA	Partnership Firm	10
ARB	Business Corporation Firm	136
ARC	Professional Association Firm	69
ARD	Sole Proprietor Firm	21
ARF	Firms	1307
	Subt Total	5871

Board Reports

No reports were given

Disciplinary Hearings

No disciplinary hearings this meeting.

Application Hearings

No application hearings this meeting.

New Business

Parameters Review

A subcommittee will be established in order to update the board parameters for initial applications, reinstatements and renewals. The subcommittee will also look into obtaining new members to serve on the Investigation Review Committee (IRC). The finding will be reported to the board at the May meeting.

Motion: To elect members Smith and Green as well as Stacey Hewson, Advice Counsel and Donnell Jennings, Disciplinary Counsel to serve on the subcommittee. Schwensen/Lawrence/Approved.

NCARB Continuing Education Guidelines

Member Schwennsen will review the guidelines and submit any comments to NCARB by the April 2nd deadline.

2019 Regional and Annual Meeting Funding - NCARB

The 2019 Regional Summit/MBE Workshop will be held on March 8-9, 2019, in Nashville, TN; and the Annual Meeting on June 20-22, 2019, in Washington, DC. NCARB will fund two delegates, one public member and the member board executive for each meeting.

Motion: To approve members Muldrow, Smith and Green as well as Administrator Miles to attend the March 2019 Regional Meeting as NCARB funded delegates. No costs will be incurred by LLR. Schwennsen/Lawrence/Approved.

Motion: To approve members Tate, Lawrence, Schwennsen and Green as well as Administrator Miles to attend the June 2019 Annual Meeting. Two board members (Tate/Lawrence), the public member (Green) and the Administrator will be funded by NCARB. Member Schwennsen will be funded by LLR. Schwennsen/Lawrence/Approved.

2019 Statement of Economic Interest

Reports must be filed by March 30, 2018. Instructions for filing and financial reports were distributed to the members.

Member Schwennsen was appointed to the Steering Committee to review the NAAB Criteria for accreditation for Clemson University for 2020.

Member Schwennsen also reminded the board that Clemson is working toward a 4-year undergraduate degree for Interior Designers.

Unfinished Business

Chapter 11 Revisions

Motion: To accept the attached revisions to Chapter 11. Schwennsen/Lawrence/Approved.

Incidental Practice: Member Lawrence presented another draft to the board for review. This draft has removed all references to engineers and only references architects. He will meet again with Buddy Skinner and Darbis Brigman for review. Member Smith will look into getting the Joint Task Force Committee together to review this document. It was brought to the Board's attention that before the document can be posted to the website it would have to be reviewed and approved by the Legal Department. It was also discussed that this information could be added as FAQ's on the website.

Compliance with Section 40-10-250(C) of the Fire Protection Sprinkler Systems Act. Member Lawrence spoke with David Blackwell, Office of State Fire Marshall. Mr. Blackwell will be sending the board, to be placed on the website, information regarding licensees to comply with the

Board of Architectural Examiners
Meeting Minutes
January 23, 2019

requirement for the properly completed Fire Protection Sprinkler System Specification Sheet to be included with the Bid Documents.

Member Lawrence will draft a FAQ to be added to the webpage. This item will be carried over to the May meeting.

Funding Request

No funding requests this meeting

The next meeting of the SC Board of Architectural Examiners will be held May 29, 2019.

Motion: To adjourn the meeting. Muldrow/Lawrence/Approved. The meeting adjourned at 12:00 p.m.

Respectfully submitted,



Alice M. DeBorde, Program Coordinator

11-1 Definitions.

Definitions found in Section 40-3-20 of the South Carolina Code of Laws apply to this chapter.

- (1) ~~"IDP"~~ "AXP" means the ~~Intern Development Program~~ Architectural Experience Program established by the National Council of Architectural Registration Boards.
- (2) "NCARB" means the National Council of Architectural Registration Boards.
- (3) "NAAB" means the National Architectural Accrediting Board.
- (4) "A.R.E." means the Architect Registration Examination.
- (5) "Continuing Education Hour" means one (1) contact hour of participation in a continuing education activity.
- (6) "Contact hour" means a minimum of fifty (50) minutes of instruction.

11-5 Applications and Fees.

A. All paper applications must be accompanied by an application fee in the form of a check or money order made payable to South Carolina Board of Architectural Examiners. All online applications must be accompanied by an application fee in the form of an online payment on the South Carolina Board of Architectural Examiners website at <http://llr.sc.gov/POL/Architects>. 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 fees as shown in South Carolina Code of Regulations Chapter 10-3 and on the South Carolina Board of Architectural Examiners website at <http://llr.sc.gov/POL/Architects>.

11-6 Registration by Examination.

A. Applicants must have completed a professional degree in architecture from a school or college program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) as set forth in Section 40-3-230 of the South Carolina Code of Laws and must have completed all requirements of the ~~Intern Development Program (IDP)~~ Architectural Experience Program (AXP) prior to licensure. Applicants may begin taking the Architect Registration Examination prior to completion of ~~IDP~~ AXP but may not be licensed until evidence of completion of all training requirements is submitted to the Board.

(1) Education. An official school transcript shall serve as evidence of attainment of a professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB).

(2) Experience. Only a verified Council Record issued by the National Council of Architectural Registration Boards (NCARB) will be accepted as evidence of completion of all training requirements established for the ~~Intern Development Program (IDP)~~ Architectural Experience Program (AXP).

(3) Examination. The National Council of Architectural Registration Boards (NCARB) Architect Registration Examination (A.R.E.) will be administered to all qualified candidates for initial architectural registration in a manner and place prescribed by NCARB or the Board. Candidates must comply with all NCARB requirements. Examinees must pay all applicable examination fees. Examinees will not have access to the NCARB examinations, answers, or other related documents for reviewing, copying, or other purpose.

B. Applicants for registration by examination who pass the A.R.E. will be notified accordingly. Once a candidate satisfies all licensure requirements as set forth in Section 40-3-230 of the South Carolina Code of Laws, he or she will be issued a license to practice architecture in South Carolina during the current licensure period.

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 will be exempt for the first renewal.
- (2) A registrant 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) Architects in Emeritus status as defined in Section 40-3-20 of the South Carolina Code of Laws.

C. Requirements.

(1) Each South Carolina Registered architect shall complete a minimum of ~~twelve (12)~~ twenty-four (24) continuing education hours each ~~calendar year~~ biennial licensure period in topics related to health, safety and 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 for the ~~two calendar years preceding the calendar year in which the license is set to expire~~ prior biennial licensure period.

(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 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.

11-11 Seals.

A. The seal and signature of the architect in responsible charge and the architectural firm's seal shall appear on all architectural documents to be filed for public record and shall be construed to obligate the architect and the firm. A firm seal alone is insufficient; documents shall be signed and sealed by the ~~responsible~~ architect in responsible charge. Record documents used for obtaining building permits shall be so signed and dated. The signing and sealing of the index sheet(s) or the title page of specifications shall be considered adequate.

B. An architect shall not affix, or permit to be affixed, the architect's seal or name to any plans, specifications, drawings, or other related documents which were not prepared by the architect or under the architect's direct responsible charge. Architects shall not use their seal or perform any other service as an architect unless holding at the time a current Certificate of Registration.

C. Description of Registrant's Seal. The seal shall be circular in shape and 1 3/4 inches in diameter. Concentric with the outside of the seal there shall be a circle 1 3/16 inches in diameter; in the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" at the top and "Registered Architect" at the bottom. The name of only one (1) architect, business location, and registration number shall be placed within the inner circle.

D. Description of Firm Seals. The seal shall be circular in shape and 1 3/4 inches in diameter. Concentric with the outside of the seal there shall be a circle 1 3/16 inches in diameter; in the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" at the top and "Registered Architects" at the bottom. The name, business location, and license number of the firm shall be placed within the inner circle.

E. An electronic seal and signature are permitted to be used in lieu of an original seal and signature when the following criteria, and all other requirements of this section, are met:

- (1) It is a unique identification of the ~~professional~~ architect in responsible charge;
- (2) It is verifiable, having been signed and dated;
- (3) It is under the professional's direct ~~and sole~~ control;
- ~~(4) It is linked to a document in such a manner that changes are readily determined and visually displayed if any data contained in the document file was changed subsequent to the electronic seal and signature having been affixed to the document, and~~
- ~~(5) Changes to the document after affixing the electronic seal and signature shall cause the electronic seal and signature to be removed or altered in such a way as to invalidate the electronic seal and signature;~~
- ~~(6) In addition, once the electronic seal and signature are applied to the document, the document shall be available in a view only format if the document is to be electronically transmitted;~~
- ~~(7)~~ (4) The graphic image of the electronic seal and signature shall be readily available and produced in a manner acceptable to the board. It shall contain the same words and shall have substantially the same graphic appearance and size as required above when the image of the electronically transmitted document is viewed at the same time as the document in its original form.

~~(8)~~ (5) The graphic display of the seal shall be in compliance with state law.

F. Minimum Construction Phase Services

(1) Minimum construction phase services, necessary to protect the health, safety, and welfare of the public, is inherent to the practice of architecture as defined by S.C. Code Ann. 40-3-20 of the South Carolina Code of Laws, and is required by the latest adopted addition of the International Building Code. On documents submitted for a building permit, the registered architect and firm that has sealed such documents shall be the Design Professional in Responsible Charge and shall provide, at a minimum, the following construction phase services: a) periodic site observations to ascertain that construction is progressing in accordance with the approved documents, b) review of submittals and any deferred submittals, c) receive all Special Inspection reports, and c) resubmission of documents to the Building Official reflecting any deviations to the approved documents, that could reasonably be interpreted to modify the original intent and/or understanding on which the building official granted the initial approval and building permit.

(2) Where circumstances dictate, a substitute registered Design Professional in Responsible Charge may be designated, who shall be responsible for performing the duties outlined above. The Building Official shall be notified in writing in those circumstances, and the substitute registered Design Professional in Responsible Charge shall be identified.

(3) Projects of size and occupancy outlined in S.C. Code Ann. 40-3-290 of the South Carolina Code of Laws, that do not require a registered Design Professional in Responsible Charge, also do not require construction phase services by a registered Design Professional.

11-12 Code of Professional Ethics.

An architect or firm shall not engage in dishonest practice, unprofessional conduct, or incompetent practice.

A. Conflict of Interest.

~~(1) When conditions of compensation are submitted in a proposal for a study, pre-design, or preliminary design service, where future opportunity for additional work on the project is also available to the offerer, such conditions must be consistent and representative of the real cost fair market value of services to be performed.~~

(1) ~~(2)~~ An architect or firm shall not accept compensation for services from more than one (1) party on a project unless the circumstances are fully disclosed and agreed to (such disclosure and agreement to be in writing) by all interested parties.

(2) ~~(3)~~ If an architect or firm has any business association or direct or indirect financial interest which is substantial enough to influence judgments in connection with the performance of professional services, the architect or firm shall fully disclose in writing to the client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect or firm will either terminate such association or interest, or withdraw from the commission or employment.

(3) ~~(4)~~ An architect or firm shall not solicit or accept compensation from materials or equipment suppliers in return for specifying or endorsing their products.

(4) ~~(5)~~ When acting as the interpreter of building contract documents and the judge of contract performance, the architect or firm shall render decisions impartially, favoring neither party to the contract.

B. Full Disclosure.

(1) An architect or firm making public statements on architectural questions shall disclose when being compensated for making such statements.

(2) An architect or firm shall be accurate in representing to a prospective or existing client or employer the qualifications and the scope of responsibility in connection with work for which credit is claimed.

(3) If in the course of work on a project, the architect or firm becomes aware of a decision taken by the employer or client, against the architect's or firm's advice, which violates applicable state or municipal building laws and regulations and which will materially affect adversely the safety to the public of the finished project, the architect or firm shall:

(a) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations; and

(b) refuse to consent to the decision; and

(c) terminate services with reference to the project in circumstances where the architect or firm reasonably believes that other such decisions will be taken notwithstanding the architect's or firm's objections.

~~—(4) On a project where a building permit has been issued and the sealing architect and the firm of record have not been engaged to perform at least minimum construction administration services, as defined in subsection (5) below, the sealing architect and firm must report to the permitting authority and the building owner that he and the firm have not been so engaged.~~

~~—(5) The minimum construction administration services expected of the sealing architect and firm deemed necessary to protect the health, safety, and welfare of the public shall be periodic site observations of the construction progress and quality, review of contractor submittal data and~~

~~drawings, and reporting to the building official and owner any violations of codes or substantial deviations from the contract documents which the architect observed.~~

(64) An architect or firm shall not deliberately make a false statement or fail deliberately to disclose a fact requested by the Board.

(75) An architect or firm shall not assist the application for registration of a person known by the architect or firm to be unqualified in respect to education, training, experience, or character.

(86) An architect or firm possessing knowledge of a violation of these rules by another architect or firm shall report such knowledge to the Board.

(97) An architect or firm shall cooperate fully upon request in matters pertaining to any investigation initiated by the Board.

C. Compliance with Laws.

(1) An architect or firm shall not violate any state or federal criminal or civil law, rule, or regulation.

(2) An architect or firm shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect or firm is interested.

(3) An architect or firm shall comply with the registration laws, rules, and regulations governing the practice of architecture in this State and in any other jurisdiction.

(4) An architect or firm shall not assist or aid any unlicensed person or firm in the unauthorized practice of architecture.

(5) No architect or firm shall be entitled to registration within this State who has been convicted of a felony or a crime of moral turpitude unless suitable evidence of reform is presented to the Board.

D. Professional Conduct.

(1) An architect or firm shall not sign or seal drawings, specifications, reports, or other professional work for which the architect or firm does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of portions of such professional work prepared by the architect's, or firm's consultants, registered under this or another professional registration law of this jurisdiction, the architect or firm may sign or seal that portion of the professional work if the architect or firm has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.

(2) An architect or firm shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect or firm is interested.

(3) An architect or firm shall not engage in conduct involving fraud or wanton disregard of the rights of others.

(4) An architect or firm shall not act in any manner so as to mislead a client or the general public or so as to misrepresent its competence or qualifications.

E. Competence.

(1) An architect or firm shall act with reasonable care and competence and shall apply the technical knowledge and skill which is ordinarily applied by architects and firms in good standing in South Carolina.

(2) An architect or firm shall take into account all applicable state and municipal building laws and regulations. While an architect or firm may rely on the advice of other professionals (e.g.,

attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, an architect or firm shall not design a project in violation of such laws and regulations.

(3) An architect or firm, together with those whom the architect or firm may engage as consultants, shall undertake to perform professional services only when qualified by education, training, and experience in the specific technical areas involved.