

MINUTES
Joint Task Force Meeting
South Carolina Board of Architectural Examiners
South Carolina Building Codes Council
South Carolina Board for Professional Engineers and Surveyors
10:00 a.m., June 10, 2014
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 105
Columbia, SC

Call To Order

Sara McCartha, Esq. called the meeting to order at 10:04 a.m.

Statement of Public Notice

Ms. McCartha read that the public notice of this meeting was properly posted at the South Carolina Board of Registration for Professional Engineers and Surveyors, 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.

Introduction of Task Force Members and Other Persons Attending

Task Force members present included Charles Muldrow, Anthony Lawrence, and Stephen Russell, representing the Architectural Board; Timothy Rickborn, Jeffrey Mulliken, and James Justus, representing the Engineers and Surveyors Board; and Melissa Hopkins, Darbis Briggman, and Michael Smith, representing the Building Codes Council.

Staff members present included Lenora Addison-Miles, Administrator; Britton Jenkins, Program Assistant; Sara McCartha Esq., Advice Counsel; and Gigi Lewis Esq., Advice Counsel.

Others present included Richard Cottingham, and Mary Occhipienti (Creel Court Reporting).

Selection of Chair

MOTION: To nominate Stephen Russell as Chairman of the Joint Task Force of the South Carolina Board of Architectural Examiners, South Carolina Board of Professional Engineers and Surveyors, and South Carolina Building Codes Council. Justus/Lawrence/approved.

MOTION: To nominate James Justus as Vice Chairman of the Joint Task Force of the South Carolina Board of Architectural Examiners, South Carolina Board of Professional Engineers and Surveyors, and South Carolina Building Codes Council. Muldrow/Rickborn/approved.

Mr. Russell noted that a member of the Architectural Board, Mr. Brad Smith, was unable to attend, but will be at future meetings.

Mr. Russell explained the purpose of the task force is to review the Building Official Manual. Mr. Russell explained that in 2011, the last committee endeavored to address the issue of incidental practice and general changes were made. He added that in 2012, a letter was written to Theresa Hodge, past

chairperson of the Board of Engineers and Land Surveyors, regarding the reasons the Board of Architectural Examiners was attempting to pursue some definition of incidental practice. Mr. Russell said the Board of Architectural Examiners spent time over several meetings trying to come up with a proposal to present to the Board of Engineers defining incidental practice. Mr. Russell added the proposal that the Architectural Board created addressed two things; (1) the definition of the word "incidental", and (2) how to quantify something such as incidental practice. Mr. Russell said the Board of Architectural Examiners does not want to be put in a position where their rulings are overturned countless times by the Administrative Law Court because of the lack of definition of incidental practice. Mr. Russell explained that the first proposal was reviewed by Gary Wiggins, and Mr. Wiggins was in favor of it saying that it gave the building officials something quantifiable to work with and was easy to apply. Mr. Russell said that he has had a chance to look through the existing Building Official Manual and he has noted a number of areas where incidental practice is directly referenced. Mr. Russell added that it is important to look to the Building Official members and Building Codes Council for guidance on whether they have done reviews on the manual, or if they have any personal comments or problems with it. Mr. Justus added the Engineering Board suggested that he meet with members of the South Carolina Society of Professional Engineers (SCSPE) to discuss their thoughts on the issue of incidental practice. Mr. Justus explained the committee determined there was no way to lock in what incidental practice was, and that instead of referring to it as "incidental practice", they should refer to it as "overlap of practice." Mr. Justus added the committee also determined that it was important to establish an area of competence for both Engineers and Architects. He explained that instead of trying to define based on percentage of cost or fee, which would give a hard number, the committee would rather see it based on an overlap of practice and competency type theory. Mr. Justus explained that the committee came up with a simple statement, "it is overlap, and it is competency, and it is up to each board to determine whether that member of that community performed their services competently. If they didn't, then the board has the discretion to take action from that point forward." Mr. Justus agreed that both the Architects and Engineers Board needs to set the guidelines amongst themselves, so that they can work with the Building Officials collectively. Mr. Lawrence added that the call is trying to define what the parameters are, and what's acceptable. Mr. Lawrence said the challenge would be determining how to define the parameters tangibly so that it would be easier for the Building Officials to understand. Mr. Lawson explained that the issues of incidental practice may need to be broken down into specific types of projects, but they have to be very restricting on how they determine those types of projects. Mr. Muldrow asked if incidental practice is a big issue with the Building Officials. Mr. Smith said he does not recall it being an issue, but when it is an issue, it is a multi-million dollar impact to the jurisdiction. Mr. Smith explained that the Building Officials need something as specific as possible. Mr. Smith said the Building Officials have three important things they look at: (1) How to protect the people that they serve, (2) How to protect the jurisdiction, and (3) How to protect licensees. Mr. Briggman said he would ask some questions at the next Coastal Building Codes meeting on June 11, 2014 to get any feedback and comments on how often the issue of incidental practice arises. Mr. Smith added that he would send a digital copy of the Building Official Manual to the Building Officials Association to get their feedback, comments, and recommendations. Mrs. McCartha suggested that it be sent to licensing members as well to get their feedback. She explained that LLR wants to give the clearest guidelines as possible. Mr. Russell asked how comfortable Mr. Smith felt putting a questionnaire together to get the feedback, and if the Association needed any assistance from the Boards to get it composed. Mr. Smith asked if there were any specific questions that should be added. Mr. Russell said that anything is welcome. Mr. Rickborn said the South Carolina Building Official Manual is not unique and that there are a number of states that have them. Mr. Rickborn added he has looked at some states' manuals and they all have aspects similar to South Carolina, some manuals are more detailed than others. Mr. Rickborn explained

the ones with more detail have gone away from the concept of incidental practice into the concept of overlap of practice. They define what the typical duties are of both Architects and Engineers.

New Business

- a. Review of the Building Official Manual – Mr. Russell asked if there were any other issues that should be addressed with the Building Official Manual. Mr. Russell suggested that format changes are necessary for better navigation. Mrs. McCartha asked for suggestions for how the manual could be formatted to make it easier to isolate issues. Mr. Briggman explained that a majority of the municipalities in Charleston County are moving toward to electronic submittals of plans, and that topic should be added to the manual for information and guidance. Mr. Russell added that would be a great question to add to the survey for feedback. Mr. Smith said his concern is that the Frequently Asked Questions in Appendix A need to have fairly definitive answers. Mr. Russell asked how the committee should move forward in addition to the questionnaire and getting feedback. Mr. Lawrence suggested it would be good to start trying to determine a matrix, to determine when overlap of practice occurs. This would help Building Officials provide guidance to the professionals they serve. Mr. Cottingham said the Frequently Asked Questions in the 2005 Building Official Manual are the same from 1998 so there has not been much of an update. Mr. Cottingham added that to make the issue of incidental practice black and white, in his opinion, they can only go so far. It can be confusing based on the nature and complexity of the project. Mr. Cottingham explained that numbers cannot be put on it, and it all should be a matter of competence which should be governed by the respective boards. Mr. Justus added it would be helpful to establish a joint advisory committee between the two boards specifically for the purpose of addressing and determining whether an area of competence has been crossed. Mr. Russell added that could be a conflict of interest with the IRC committee. Mrs. McCartha said she would look into the possible conflicts. Mr. Russell asked what the possible time line would be for the Task Force. Mr. Smith said he would compose the questionnaire that week and he should have responses within the next couple of weeks. Mr. Smith said the hardest obstacle would be getting the feedback from the Association members. Mrs. Lewis asked for clarification that the questionnaire would be focused on getting feedback on incidental practice, Frequently Asked Questions, and Contract Administration. Mr. Lawrence said those three issues are the ones that should be considered at this time. Mr. Russell suggested the next meeting date should be some time in September, tentatively, September 9, 2014.

Public Comments

- a. Mr. Cottingham suggested the updated manual should contain examples of overlapping practice where architects are qualified to do basic mechanical, electrical, or plumbing. Mr. Cottingham added it would provide some clarification to Building Officials and eliminate some problems that could arise. Mr. Russell suggested if any members have any examples of situations they would like to include, submit them to Mrs. Miles, Mrs. McCartha, or Mrs. Lewis. Mr. Justus added it may be helpful to poll licensees to get feedback if an overlap of practice is occurring. Mr. Russell said it may be difficult due to the lack of response, and that a phone call or two may be more beneficial for getting that feedback. Mrs. Lewis requested that Mr. Smith send the questionnaire that he compiles to her so that they are all on the same page. Mr. Smith said he would send a copy of the proposed questions once they are compiled.

There being no further business:

MOTION: To adjourn. Justus/Rickborn/approved.

The meeting adjourned at 11:29 am.

Respectfully Submitted,

Britton S. Jenkins, Program Assistant