

MINUTES
SC Board of Architectural Examiners
Board Meeting/Application Hearing
9:30 a.m. May 11, 2016
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 105
Columbia, SC

Meeting Called to Order

Anthony Lawrence, Chairman, called the meeting to order at 9:31 a.m. Other members present were Brad Smith, Charles Muldrow, Katherine Schwennsen, Amanda Green and J. Sanders Tate.

Staff members participating in this meeting included Lenora Addison-Miles, Administrator; Alice DeBorde, Program Coordinator; and Donnell Jennings, Advice Counsel.

Statement of Public Notice

Mr. Lawrence 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.

Approval of the January 13, 2016, Meeting Minutes

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

Approval of Agenda

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

REPORTS

Administrators and Board Reports

No Report

Board Member Reports

Member Schwennsen informed the Board that the IPAL Legislation is moving through the legislation without any opposition.

NCARB Regional Summit Report

Chairman Lawrence gave a brief overview of the NCARB Regional Summit held in Savannah, GA in March. He indicated that a discussion regarding overlapping practice and the need to develop guidelines for Building Officials was discussed.

Financial Reports / Funding Request History

The March 2016 Cash balance was \$1,310,106.52 and the Education & Research fund balance was \$68,113.21. The Board accepted this as information.

Office of Investigations and Enforcement Report

A total of 14 cases were received from January 1, 2016 thru May 4, 2016; four active cases, two closed, and ten pending board action.

IRC Recommendations

The following IRC Recommendations were submitted to the Board as a result of the November 5, 2015, IRC meeting:

Case No.	Action
2015-10	No violation
2015-7	Formal Complaint
2015-8	Formal Complaint
2015-13	Formal Complaint
2015-15	Formal Complaint
2016-1	Formal Complaint
2016-4	Formal Complaint
2016-5	Formal Complaint
2016-6	Formal Complaint
2016-7	Formal Complaint

Motion: To approve IRC Report. Smith/Schwennsen/Approved.

Office of Disciplinary Counsel Report

No new cases to report.

Office of Disciplinary Counsel Hearing

No Hearings scheduled.

Application Hearing – Kenneth Miller Architecture LLC

The proceeding was recorded by a court reporter in order to produce a verbatim transcript should one be necessary.

Kenneth Miller Architecture LLC, submitted a 2015-2017 Certificate of Authorization (COA) Late Renewal Form on April 1, 2016. According to information provided by Kenneth Miller Architecture LLC., the firm indicated it provided architectural services in South Carolina with a lapsed Certificate of Authorization. The company's Certificate of Authority lapsed on August 31, 2011. The company indicated that it provided architectural services in South Carolina "from

September 9, 2015 and have and will continue since today, May 11, 2016.” Staff could not approve the application.

Motion: To go into Executive Session to discuss the application, possible sanctions and to receive legal advice. Muldrow/Schwennsen/Approved.

Motion: To come out of Executive Session. Schwennsen/Muldrow/Approved.

Motion: To issue a non-disciplinary Letter of Caution. Certificate of Authorization will be issued upon payment of the renewal fees. Smith/Schwennsen/Approved.

Procedures for Legislative Changes

Holly Beeson, LLR Office of Communications and Governmental Affairs, met with the board to discuss the Legislative process/procedures for making changes to the Board's regulations. The Board accepted this as information. The Board was reminded that a Legislative Subcommittee was appointed (as a permanent standing committee) during the January meeting. Members Lawrence, Schwennsen, Green and Smith will serve a two-year term, and make recommendations to the full Board.

S-1177

The bill to amend Section 40-3-20 Code of Laws of South Carolina relating to definitions concerning the professional licensure of architects, and to amend Section 40-3-230, relating to training requirements for the professional licensure of architects, both to replace the reference to the “intern development program” with references to the “Architectural Experience Program”; and to amend Section 40-3-240, relating to requirements for taking the Architectural Registration Examination, so as to replace requirements concerning participation in the Intern Development Program with requirements concerning participation in the Architectural Experience Program or certain programs sanctioned by the National Council of Architectural Registration Boards. The bill has been forwarded to the House LCI.

Election of Officers

Motion: The following persons were elected to serve as officers of the Board, effective July 1, 2016, through June 30, 2017. Smith/Schwennsen/Approved

Charles Muldrow, Chair
J. Sanders Tate, Vice-Chair
Amanda Green, Secretary

Investigative Review Committee (IRC) Members – Non-Agenda Item

Chairman Lawrence brought to the attention of the Board that the current members of the Investigative Review Committee (IRC) have been serving on this committee for a number of years. It is a policy of the Board that those eligible to serve on the committee, are prior board members. The item will be discussed further at the September board meeting.

The Board asked that a review of the disciplinary process be placed on the September board agenda so that the new members could become familiar with LLR's disciplinary procedures.

The board took a brief recess.

NCARB Annual Meeting – June 16-18, Seattle Washington

Motion: Members Muldrow and Smith will attend the meeting as NCARB Funded Delegates. Costs associated with the meeting will be covered by NCARB for those two members. Member Green will attend the meeting as NCARB Public Member and the cost associated with the meeting will be covered by NCARB. Members Tate and Lawrence will also attend the meeting and their costs will be covered by LLR. Administrator Miles will attend as the Member Board Executive. Schwensen/Smith/Approved.

NCARB Resolutions

The Board discussed draft NCARB Resolutions.

Motion: To support the Resolutions as submitted. Schwensen/Tate/Approved.

Chairman Lawrence will email NCARB regarding the Board's support of the Resolutions.

Request for Proposals

The Board briefly discussed the procedures used when "request for proposals" are submitted to the board for review when costs and/or fees are requested. Administrator Miles asked for assistance in reviewing these proposals and submitting responses.

Motion: Members Muldrow and Tate will assist with request for proposal correspondence. Tate/Schwensen/Approved.

Architectural Firm Inquiry

The Board received an inquiry regarding SC Code of Regulations, Section 11-10.A., which states in part..."Persons in full authority and responsible charge shall mean regularly employed persons who are in unrestricted, unchecked, and unqualified command of, and legally accountable for, the actions of such architectural practice." The inquiry asked does this include proposing fees, preparation of owner/architect and consultant/architect contracts, financial responsibilities concerning these contracts, liability insurance, and etc. After a brief discussion the Board concluded that the Board regulates the practice of architecture as it relates to health, safety and welfare, and not the business side of the practice.

Joint Task Force Subcommittee Update

Per the last report to the Board, out of the Joint Committee there is a Subcommittee that is comprised of Darbis Briggman, who represents the Building Codes Council, Jim Justus, who represents the Professional Engineers and Surveyors Board, and Chairman Lawrence. The committee has been researching policies and practices from other states, as it relates to incidental practice, to see how they can incorporate language on the issue to re-format the

South Carolina Building Official Manual. Chairman Lawrence presented to the Board for review a draft of the "Overlapping Practice Guide for Architects and Engineers in South Carolina".

Motion: To approve the draft with the following revisions, on page four, under Architect Professional Duties, first paragraph, last sentence, change "Architect" to "Architecture" and add "includes but is not limited to." On page five, under Engineer Professional Duties, first paragraph, last sentence, change "Engineer" to "Engineering" and add "includes but is not limited to." On page six, remove the last paragraph regarding engineer disciplines. Schwensen/Tate/Approved.

Funding Requests

Clemson University, Emery A. Gunnin Architecture Library

Library Funding - The Board considered a request from Clemson Gunnin Architecture Library for \$30,000 from the Board's Education and Research Fund for the purchase of materials for the Architecture Library.

Motion: To approve funding of \$25,000 to Clemson Gunnin Architecture Library. Smith/Muldrow/Approved.

The next meeting of the SC Board of Architectural Examiners will be held September 14, 2016.

Motion: To adjourn the meeting. Smith/Schwensen/Approved. The meeting adjourned at 12:13 p.m.

Respectfully submitted,



Alice M. DeBorde, Program Coordinator