

MINUTES
SC Board of Architectural Examiners
Board Meeting
9:30 a.m., November 12, 2013
Synergy Business Park, Kingstree Building
110 Centerview Drive, Room 204
Columbia, SC

Meeting Called to Order

Stephen Russell, Chairman, called the meeting to order at 9:28 a.m. Other members present were Brad Smith, Anthony Lawrence, Kate Schwennsen, and Charles Muldrow. Member Tyson Nettles attended by conference phone.

Staff members participating in this meeting included Lenora Addison-Miles, Administrator; Alice DeBorde, Administrative Assistant; and Sara McCartha, Advice Counsel.

Statement of Public Notice

Mr. Russell 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 September 17, 2013, Meeting Minutes

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

Approval of Agenda

The agenda was accepted as submitted.

Office of General Counsel - Hearings.

No hearings were scheduled for this meeting

Application Hearings

No application hearings were scheduled for this meeting.

New IRC Member

The Board discussed adding an additional member to serve on the Investigative Review Committee (IRC). Administrator Addison-Miles, will contact former board members, Marshall Clarke and Peter McKellar to see if one of them would be interested in serving on the committee.

2014 NCARB Regional Meeting – The 2014 SC/NCARB Regional Meeting will be held on March 7-8, in San Antonio, Texas. Information regarding this meeting will be forwarded to the Board once received. Members Tyson Nettles, Anthony Lawrence, Brad Smith and Charles Muldrow indicated that they would like to attend the meeting. Administrator Addison-Miles would like to attend the meeting as well. Travel plans and approvals will be discussed once the Regional Meeting material has been received.

Incidental Practice

A Building Official in Oconee County contacted the Board with an inquiry regarding a licensed Professional Engineer who is working on an expansion on a cabana and architectural drawings were required for this Group A occupancy project. According to the Building Official, the work is not incidental to the practice of architecture so an architect would be required. The engineer, Dick Cottingham, questioned the determination of the Building Official and indicated that he is allowed to do this project because he is competent to do so. Mr. Cottingham contacted Administrator Addison-Miles to discuss his concerns.

Chairman Russell indicated that Mr. Cottingham was part of the joint committee meeting in 2010 of the architects and engineering boards which undertook an effort to address the issue of incidental practice which is referenced in both registration laws. Mr. Cottingham contended due to the joint policy that was revised/approved in 2011, he should be qualified to provide the services on this project. The Board agreed that if the Building Official felt it required an architect, the final determination would be left up to the Building Official and Mr. Cottingham would have to take it up with them.

The Board would like to form a joint committee with the Engineering Board to work on issues related to incidental practice and possibly draft a definition acceptable to both Boards.

Motion: To go into Executive Session for legal advice. Muldrow/Schwennsen/Approved.

Executive Session

Motion: To come out of Executive Session. Muldrow/Schwennsen/Approved. No votes were made in Executive Session.

Member Nettles joined the meeting by conference call.

Adrienne Montare, Executive Director, AIA joined the meeting.

Review of Board Policies

The Board collectively reviewed/revised each policy and submitted revisions to Russell for review. Former Administrator Jan Simpson was contacted and asked to draft frequently asked questions (FAQ) as they relate to each policy. Staff Member DeBorde forwarded the policies to Mrs. Simpson for review. Some of the FAQ's were received too late for inclusion at this meeting for each member to review/revise. After reviewing these interpretations and frequently asked questions, members were again asked to revise as indicated below. These revised interpretations will again be presented to the Board at the January meeting. After review and approval, the Board would like to repost these interpretations on the Board website.

Successor Architect Policy – FAQ's were not received for this policy in time for review, once they are received, they will be forwarded to Chairman Russell for inclusion.

Bidding for Services - FAQ's were not received for this policy in time for review, once they are received, they will be forwarded to Chairman Russell for inclusion. Chairman Russell will incorporate design build FAQ's for this policy as well. It was suggested that the commentary on feasibility study or other pre-design services be moved to the policy on offering/providing free services. It will not become part of the commentary for that policy since it does not relate directly to the law. Member Smith will work on rewording that section and including it as FAQ's for the free services policy.

Sheridan Spoon, Advice Counsel joined the meeting to replace Sara McCartha, Advice Counsel who had to leave due to another appointment.

Gifts – The policy was accepted as written. FAQ's were not received for this policy in time for review. Once they are received they will be forwarded to Chairman Russell for inclusion.

Exemptions Interpretations Section 40-3-290 – Member Muldrow at the suggestion of Sara McCartha, Advice Counsel, sent the policy to the State Fire Marshal for review/input, those suggestions were included in the policy as presented to the Board. Muldrow also presented a comparison of section 40-3-290 and section 40-22-280 (of the engineering law) and suggested that the Board move toward making those sections of the laws similar. Muldrow felt the commentary should cover both sections 40-3-290 and 40-22-280 so he added language to address both laws.

After review the following changes were suggested:

- Reword the following sentence on the last page of the commentary “Alterations may be construed to mean interior and/or exterior additions or modifications, including tenant upfits or changes of occupancy to single-tenant or multi-tenant buildings.”
- Remove on the last page of the commentary, bottom of the page, “Incidental Practice: Not addressed in current commentary”
- Add subheadings in commentary
- Remove approval and revisions dates at the end of commentary
- Under the FAQ's, last question, the answer should read, “Yes, it is within the prerogative of the AHJ to require a design professional.”

Offering/Providing Free Services - . Member Smith will take the comment on feasibility study from the bidding for services policy and reword it to be added as FAQ's for the free services policy.

Past Experience – Member Lawrence presented FAQ's for the Board to review. The following changes were made.

- FAQ question #2 in the answer remove “but using the photos could be deemed to be misleading.”
- FAQ questions #3 in the answer remove the sentence “The firm you left should also disclose that the architect in charge of the project has since left the firm.”

Sealing and Direct Supervision Policy - Member Schwennsen presented the revised policy for the Board to review. The following changes were made.

- On page three of the commentary, remove the bullet that reads “Information contained in these documents shall have been reviewed by the ‘design professional in responsible charge’ who shall verify that the design is appropriate for the use intended and meets all applicable code requirements.”
- FAQ question #3 will be reworded as follows: With the technology today, can remote supervision be acceptable? We email files between offices of our firm for review, editing and consolidation. Is that considered “direct supervision?” Yes.
- FAQ questions #4, in the answer, remove no and no. The answer should read as follows. “For his seal to be on the plans, he must have reviewed the work, approved the documents and released them to be submitted to permitting authorities.”
- FAQ questions #5 was removed.
- FAQ, the last paragraph on the page will become FAQ #5 and the answer will be “Yes, file a complaint or seek to file a complaint through a professional organization. Whoever files a complaint will need to provide a certain amount of information.”

Funding Request – No funding request were presented at this meeting.

Office of Investigations and Enforcement Report

Administrator, Lenora Addison-Miles presented the following report as provided by the Office of Investigation and Enforcement. Eleven cases were received from January 1, 2013 through November 8, 2013, two are active investigations, three were closed, four are pending board action and two were “do not open.”

IRC Recommendation Report

IRC Recommendations dated October 21, 2013, for a total of four cases were presented to the Board for review.

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

Office of General Counsel Report

General Counsel is currently working on two cases and currently has no pending hearings to date.

Administrator’s Report

LICENSE STATISTICS – Active licenses as of November 5, 2013

Number of Credentials by Prefix, Subcategory and Status
Board: Board of Architectural Examiners
Credential:
Credential status: ACTIVE
as of 11/5/2013
Query Report: 1764

Type	Count
AR	3660
ARA	12
ARB	164
ARC	84
ARD	23
ARF	947
subtotal	4890
6 items	

AR = Architects

ARA, ARB, ARC, ARD and ARF = Architectural Firms

{end of Administrator's Report}

Financial Report

The Board accepted the Financial Report as information.

Board Reports

Member Smith will contact Dan Wueste, Clemson University's Rutland Institute of Ethics regarding holding another session of Ethics seminars for 2014. Member Smith will discuss with Mr. Wueste regarding revising the format of these seminars to take a different approach to presenting ethics in architecture. It was also suggested to contact NCARB and/or AIA to see if they may have similar seminars which could be presented to the Board for review for possible funding requests. Member Smith will report back to the Board at the January Meeting.

Member Schwennsen gave a brief overview of current events at Clemson University.

- Design Intelligence Ranking, Clemson ranked 16th overall
- Faculty member, David Alison, was named one of the 30 most Admired Educators for the Year.
- Architectural Record had an article on Lee Hall
- Centennial Grand Finale was held October 18th
- New President will begin in January

The next meeting of the SC Board of Architectural Examiners will be held January 14, 2014.

Motion: To adjourn the meeting. Smith/Lawrence/Approved. The meeting adjourned at 11:53 a.m.

Respectfully submitted,



Alice M. DeBorde, Administrative Assistant