



SC Architect

SLR A newsletter published by the South Carolina Board of Architectural Examiners

December 2009



(FIRM)

Firm License Required

If you practice architecture in South Carolina through a firm, whether as an owner/shareholder/partner of the firm or as an employee, the firm must be licensed.

Firms must designate at least one South Carolina-licensed architect who will be "in responsible charge" of the firm's architecture work in this state. Design documents must be sealed with the individual architect's seal as well as the firm's seal.

Many architects incorrectly believe they can "just use my personal seal" and not put the firm name on the title block for a project for which the firm is contracted for services. This is a violation of South Carolina law. If the project is a firm's project, the firm must be licensed in South Carolina.

You may learn more about firm licensure and download forms and instructions on this Web site.

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NCARB's 2009 Survey of Registered Architects



National Council of
Architectural Registration
Boards

Washington, DC - The 2009 survey of state architectural registration boards by the National Council of Architectural Registration Boards (NCARB) indicates there are currently 101,673 registered architects in the United States.

The 2009 survey also reveals there are 117,997 reciprocal (out-of state) architects and 219,670 total registrations.

This means, on average, an architect is registered in at least two different jurisdictions. California has the highest number of resident architects (15,816) and the highest number of total registrations (20,251).

NCARB collects data for the survey from its 54 member boards, which includes all 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. NCARB makes this information available annually as a service to the profession. Survey data are listed below. For more information about the 2009 Survey of Registered Architects, contact NCARB at (202) 783-6500.

[View Survey Results](#) (pdf)

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2010 Proposed Regulations



Final proposed changes to Chapter 11 of the SC Code of Regulations will be submitted to the Legislature for review and approval in January 2010. You may view/download a copy of the proposed changes on this web site.

Questions submitted to the Board about the proposed Architecture Regulations:

Q: In reference to proposed language in Reg. 11-12C.2 and D.2: Does this mean that architects and architecture firms will be able to do pro-bono work for charities and memorial organizations (like Toys for Tots or Firefighters Memorial)?

A: Under the new regulation proposed, pro-bono work for charities and memorial organizations for those such as mentioned above would be permitted as long as the work is performed without any intent of obtaining future compensation or swaying favor from the client for any possible future project that might be directly or indirectly connected to said pro-bono work.

Q: When could these proposed changes be submitted and adopted?

A: The proposed changes will be submitted to the Legislature by the first of January 2010. They could be adopted by "timing out" in late May. They would become effective when published in the State Register.

Q: Regarding 11-12, C(2) and D(2): Is providing "free" design services considered a gift? Oftentimes we see competitors going to interviews with schematic design level solutions to the owner's program in order to show their understanding of the project. Because there is value in this service, is this an example of providing a gift in connection with a project the architect or firm is interested?

A: This situation falls under the Board's existing policy on "Free Services." <http://www.llr.state.sc.us/pol/architects/PDF%20files/Free%20Service%20Policy.pdf>

When a basic program or outline of a project is given to each of the interviewees so that each has the same knowledge level of the intent of the project, it is permissible to present a visual **CONCEPTUAL** design solution to demonstrate

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understanding.

The following question and answer was originally published in the Board's May 2004 newsletter as follow-up to publication of the Board's policy on offering free services:

Q: Can an architect prepare sketches as part of a presentation to depict his concept of a proposed project?

The architect may prepare only conceptual designs, not schematic designs.

This would not be considered a gift UNLESS an interviewee presented more than a conceptual solution, such as schematic design level solutions, with the expressed intent of providing this portion of the design services at no charge to the client in return for being selected to provide complete services.

For more questions and answers regarding the proposed regulations, please click here. <http://www.llr.state.sc.us/POL/Architects/>



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Unlicensed Practice

When unlicensed activity is reported to the Board, the matter is handled by the Board's administrative staff rather than by the Office of Investigations and Enforcement (OIE).

When there is *credible evidence* that an unlicensed individual or a company is providing architecture services, is advertising that they can provide architecture services, or is using the word "architecture" or similar words, the Board's Administrator sends an Order to Cease and Desist. (By Department policy, these Orders are not posted on the Board's Web site.) Unlicensed activity encompasses individuals who have never been licensed as an architect and are not eligible to be licensed; individuals who live in South Carolina (or who have a South Carolina address on the Board's records); individuals who have let their license lapse and have not responded to the Board's late renewal notice reminder; and Emeritus architects who practice while in Emeritus status.

Many individuals and companies respond to Orders to Cease and Desist by reporting they were unaware of the law that reserves use of the term "architect" for licensees. Most readily comply with the requirement to stop the activity and to remove all reference to "architecture" from printed materials, advertisements, Web sites, etc. If an individual or firm fails to comply with the Order and the Board receives evidence of continued unlicensed activity, LLR's legal division may file a complaint with the S.C. Administrative Law Court seeking injunction or fines against the individual or firm. Section 40-3-100 states, "In addition to other remedies provided in this chapter or Article, 1, Chapter, 1, the board in accordance with Section 40-1-100 also may issue a cease and desist order or may petition an administrative law judge for a temporary restraining order or other equitable relief to enjoin a violation of this chapter."



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Architects and Architectural Firms Listed on Web

Architects and architectural firms currently licensed in South Carolina are listed on the Licensee Lookup Web site. You can use this lookup to make sure your licenses are up-to-date and to determine if others are licensed. This site is updated daily.

The Web site address is

www.llr.state.sc.us/POL/Architects/ click on

"Licensee lookup." If you believe a firm or individual was recently licensed but are unable to locate them on this site, e-mail us at [Alice Richardson](mailto:Alice.Richardson@llr.state.sc.us) or call us at 803-896-4408.



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NEWLY REGISTERED ARCHITECTS

Congratulations to the following individuals who recently passed the Architect Registration Examination:

Jennifer G. Charzewski, Charleston
Christopher J. Ching, St. Louis, MO
Kimberly B. Nelson, Columbia
Brian A. Sanders, Charleston
Kathleen W. Campbell, Charleston
Trevor S. Ream, Greenville
Curt H. Berg, III, Charleston
Deborah D. Bowman, Charlotte, NC
Lawrence J. Delaney, III, Greenville
Brian M. Tindall, Greenville
Paul Ferrari, Charleston
John Shea Pendergrass, Greenville
Thomas Bradley Benjamin, Greenville
Lawrence Joseph Delaney, III, Greenville
Thomas Edward Lockhart, Greenville
Julie Elizabeth Nelson, Charleston
Myles Newton Edwards Trudell, Mt. Pleasant
David M. Sickinger, Columbia



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The South Carolina Board has become a "direct registration" state, meaning that NCARB will process all exam applications for individuals who want to take the ARE as a South Carolina candidate. Once all exam divisions are passed, NCARB will send the entire application to the Board for approval and licensure.



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Disciplinary Actions

Final [disciplinary actions](#) taken by the Board since publication of the last newsletter may be viewed on the Board's Web site. While the Board staff makes every effort to include all final actions, some may have inadvertently been omitted. Documents on the Web site dated from July 2004 to present are in PDF format and may be downloaded. If you need a copy of an action not

posted on the Web site, please contact [Melissa Jones](#) or call her at (803) 896-5147.

You will notice that the Board is issuing Orders to Cease and Desist from the practice of architecture (or the offer to practice architecture) to individuals and firms not licensed in South Carolina. Continued practice after receipt of an Order to Cease and Desist is considered a violation of the Order. Such violations are handled by the South Carolina Administrative Law Court, which has authority to levy fines up to \$10,000.

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Moving? Be Sure To Notify The Board

A change of address form can be downloaded from the web at www.llr.state.sc.us/POL/Architects/ or you may simply send the changes to the Board by e-mail, fax or mail. Type or neatly print changes so they may be entered into the database correctly.

The Board cannot accept address changes over the telephone. Please send address or e-mail changes to the attention of [Alice Richardson](#).

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www.llr.state.sc.us/POL/Architects/

Board Office Hours

8:30 a.m. – 5 p.m. Monday – Friday

Voice mail is activated after 5 p.m.

Telephone (803) 896-4408, Fax (803) 896-4427

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Board of Architecture Meeting Dates

2009

- January 14, 2009
- May 7, 2009
- September 22, 2009
- November 3, 2009

2010

- Tuesday, January 26, 2010
- Tuesday, May 18, 2010
- Tuesday, September 14, 2010
- Tuesday, November 16, 2010

The Board office will be closed for the following state holidays:

- Friday, December 25, 2009
- Monday, December 28, 2009

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Board Members

Dennis S. Ward	Chairman
José R. Caban	Vice-Chair
Brad B. Smith	Secretary
W. Barry Jenkins	Member
Stephen A. Russell	Member
C. Tyson Nettles, Esq.	Public Member

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