

MINUTES
South Carolina Board of Landscape Architectural Examiners
Board Meeting/Hearings
10:00 a.m., October 20, 2010
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 105
Columbia, South Carolina

1. Meeting Called to Order

Morgan Grimball, chairman, called the regular meeting of the SC Board of Landscape Architectural Examiners to order at 10:09 a.m. Other members participating in the meeting included: Parks McLeod, vice-chairman; Laura Dukes, and John Tarkany.

Barret Anderson was not present for the meeting.

Subcommittee members present were David Lycke and Christopher Thompson.

Staff members participating during this meeting included: Sherri Moorer, Program Assistant and Jan Simpson, Administrator. LLR employees participating during the meeting included: Christa Bell, Assistant General Counsel, OIE; Sandra Dickert, Administrative Assistant; Susan Duncan, Legislative Liaison; Steve Freshley, Investigator, OIE; Lil Ann Gray, Assistant General Counsel, OGC; Tracey McCarley, Education Coordinator; and Linda Summerford, Administrative Assistant, OGC.

Others attending included: Howell Beach and Steven McCalla. Mr. Beach and Mr. McCalla were nominated by the Board to serve on the Landscape Architect IRC.

a. **Public Notice**

Mr. Grimball announced that public notice of this meeting was properly posted at the S. C. Board of Landscape 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.

2. Introduction of Board Members and All Other Persons Attending*

The Board members, staff members, and members of the public attending the meeting introduced themselves.

3. Approval of the July 21, 2010 Meeting Minutes and September 15, 2010 Subcommittee Meeting Minutes

MOTION

Ms. Dukes made a motion the Board approve the July 21, 2010 meeting minutes and the September 15, 2010 subcommittee meeting minutes. Mr. Tarkany seconded the motion which carried unanimously.

4. Approval of Agenda

MOTION

Mr. McLeod made a motion the Board approve the agenda. Mr. Tarkany seconded the motion which carried unanimously.

5. Office of General Counsel – Hearings

No disciplinary hearings were scheduled for this meeting.

6. Application Review

a. Sherry Jones Barrett

Ms. Barrett is applying to take the landscape exam.

Ms. Dukes and Mr. McLeod expressed concerns regarding her experience listed on her application.

The Board voted unanimously to approve the application.

b. Clarence Earl Barrineau, III

Mr. Barrineau is applying for licensure via examination. He passed the exam in South Carolina.

The Board voted unanimously to approve the application.

c. George Jay Cosentino, Jr.

Mr. Cosentino is applying for licensure by reciprocity from New Jersey.

The Board voted unanimously to approve the application.

d. Matthew Jackson Fusco

Mr. Fusco is applying for licensure via reciprocity from North Carolina. Ms. Dukes expressed concern regarding the degree from West Virginia University. Ms. Moorer stated West Virginia University is now on accreditation list.

The Board voted unanimously to approve the application pending verification that West Virginia University was accredited in 1996.

e. Gary L. Hawkins

Mr. Hawkins is applying for licensure by reciprocity from Alabama. He was licensed in South Carolina; however, he is reapplying as a result of lapsed licensure in excess of two years. He has received CLARB certification.

Ms. Dukes expressed concern that he has been registered in a number of states and has allowed his license to lapse in some of the states. She noted the Board would need an affidavit from each state in which his license has lapsed to ensure there have not been any disciplinary actions taken or any disciplinary actions pending prior to approval of licensure.

The board voted unanimously to approve the application upon receipt of verification that there is no disciplinary action against him in any state.

f. Amanda Allen Huggins

Ms. Huggins is applying for licensure by examination. She passed the exam in South Carolina and is now residing in North Carolina.

The Board voted unanimously to approve the application.

g. Edward Aaron Kinney

Mr. Kinney is applying for licensure by examination. He passed the exam in South Carolina.

The Board voted unanimously to approve the application.

h. Paul D. Kurtz
Mr. Kurtz is applying for licensure by reciprocity with Florida.

The Board voted unanimously to approve the application.

i. Lauren Nicole Scherer
Ms. Scherer is applying to take the landscape exam.

Ms. Dukes expressed concern with Ms. Scherer's application.

The Board voted unanimously to approve the application.

j. Peter Charles Sechler
Mr. Sechler is applying for licensure by CLARB. He resides in Florida.

The Board voted unanimously to approve the application.

k. Charles Robert Smith
Mr. Smith is applying for licensure by reciprocity by Georgia.

The Board voted unanimously to approve Mr. Smith for licensure.

l. Jeremy Michael Thorne
Mr. Thorne is applying for licensure by examination. He passed the exam in South Carolina; however, he is now residing in North Carolina.

The Board voted unanimously to approve the application.

m. Hamilton Elms Withers, III
Mr. Withers had been previously licensed as a landscape architect and is seeking reinstatement. He is now licensed in North Carolina.

The Board voted unanimously to approve the application.

Firm Applications

Ms. Moorer stated the requirements for the certificate of authorization changed with the Board's new practice act. She noted the individual signing the application is no longer required to be an officer of the firm but must be a full time employee of the firm who is responsible and in charge.

n. CEI Engineering Associates, Inc.
This firm completed an application under the old law.

The Board voted unanimously to approve the firm pending receipt of an updated application.

o. Estes Design, Inc.
This firm completed an application under the old law.

The Board voted unanimously to approve the firm pending receipt of an updated application.

p. Weston & Sampson Engineers, Inc.
This firm completed the revised application which comes under the new statute.

The Board voted unanimously to approve the application.

7. Administrator's Remarks, For Information – Jan Simpson, Sherri Moorer

a. Legislative Report
No legislative update was given during this meeting.

b. Financial Report
Mrs. Moorer presented the members with a financial report for September 2010.

Ms. Simpson made remarks regarding the agency setting the budget and the fees.

Ms. McCarley briefed the Board regarding the financial reports provided by SCEIS.

The Board determined it would like to see the bottom line figures of balance: The balance carried forward, the income, salaries, fixed expenses, insurance, travel and any item which other Boards may have requested.

c. Licensure Statistics Report
Mrs. Moorer stated there are currently 119 active firms and 683 active landscape architects.

d. Update on Board Progress and Timelines
Mrs. Moorer presented the members with a document regarding board member responsibilities. She also presented the members with an organizational chart.

Discussion ensued regarding a timeline for Board meetings and how the members would like to receive the agenda and the attachments.

Mrs. Moorer stated the Board's website is now available and briefed the Board regarding the information contained on the website.

Mrs. Moorer stated South Carolina is now using a CLARB Regional Testing Center to administer the LARE. She noted exam candidates are now taking all five sections of the exam through CLARB.

Mrs. Moorer stated there have been several complaints regarding the higher fees from CLARB.

Mrs. Moorer stated she administered the June 2010 exam. She noted six candidates requested they be allowed to review their failed section. She stated the exam review would be held at 2:00 p.m., November 18, 2010 in room 115.

Mrs. Moorer stated the proposed regulations are due to the appropriate agency personnel by November 1, 2010. She further stated the proposed regulations would be posted in the State Register on November 26, 2010 and will be placed on the Board's website. She noted all comments should be directed to her.

8. Office of Investigators and Enforcement Report and Office of General Counsel Report – Steve Freshley and Christa Bell

a. Formation of IRC (Investigative Review Committee)

Mrs. Moorer stated the Board had nominated Mr. Howell Beach and Mr. Steve McCalla as IRC chairmen.

MOTION

Mr. Grimball made a motion the Board appoint Mr. Beach and Mr. McCalla as the IRC chairmen. Mr. Tarkany seconded the motion which carried unanimously.

b. Number of Office of Investigations and Enforcement (OIE) Pending Cases, Number of Investigations, Number of Open Cases

Mr. Freshley stated there are currently no open cases, no investigations and no pending investigations.

Mr. Freshley stated the IRC has not yet met. He noted he would speak with Mr. Beach and Mr. McCalla regarding how they would like to receive the information. He briefed the members in regard to the operation of the IRC.

c. Number of Office of General Counsel (OGC) Pending Hearings

Ms. Bell stated there are currently no cases in OGC regarding the landscape architects.

9. Unfinished Business

There was no unfinished business for discussion during this meeting.

10. New Business

a. Open Meetings Act

Mrs. Moorer presented the members with an article in regard to the open meetings act.

b. Election of Officers

MOTION

Mr. McLeod made a motion the Board proceed as in the past and have the member with seniority as chair. The motion died due to lack of a second.

MOTION

Mr. Tarkany made a motion Mr. Grimball serve as chairman and Mr. McLeod serve as vice chairman until July 2011. Ms. Dukes seconded the motion which carried unanimously.

Lunch

The Board recessed for lunch at 12:40 p.m. and resumed public session at 1:45 p.m.

11. Discussion Topics

a. Final Review of First Draft of Regulations

Mrs. Moorer briefed the members regarding the legislative process of promulgating regulations.

The Board reviewed the draft regulations and made changes to the sections regarding the seal, continuing education, the examination, and ethics.

Applications for Review

Mrs. Moorer stated the members review the initial applications prior to examination. She asked the members if they wanted to review the applications again after the individual has taken the

examination or if staff could automatically issue the license if the application was clear. She said staff would bring an application to the Board if there is an issue with the application.

The Board determined the candidate should submit an updated application but the application should not be brought back unless there is an issue.

Mrs. Moorer asked the members if they wanted to review the application if the individual has CLARB certification. The Board does not automatically approve individuals who have CLARB certification since the individual must have experience.

b. Requirements for Emeritus Status

Currently in order for a licensed landscape architect to obtain emeritus status the individual must be licensed for ten consecutive years or longer, be sixty-five years of age, and not engaging or offering to engage in the practice of landscape architecture.

Mrs. Moorer asked the members if the individual who is seeking emeritus status must be currently licensed in South Carolina or if the individual could be inactive. The Board determined the individual must be currently licensed in South Carolina.

12. Board Member Reports

a. John Tarkany – CLARB Update

Mr. Tarkany stated the Board the new CLARB president, Ian Wasson, is from Canada. He noted Canada is now participating more in CLARB. He further stated there was a lot of discussion during the national meeting in regard to the issue in some states between engineers and landscape architects about doing grading, drainage and street scape design. He said a scenario from Pittsburgh was used during the meeting.

Mr. Tarkany stated ethics and the definition of welfare as in the health, safety and welfare were also discussed during the meeting. He further stated CLARB hired a research team to define welfare which developed the following working definition of welfare as it relates to landscape architecture:

The stewardship of natural environments and human community in order to enhance social, economic, psychological, cultural, physical function now and in the future.

Seven major impacts include:

*Contribute to the environment substantially
Contributes to economic stability
Builds community
Promotes health and well being
Encourages landscape awareness
Offers esthetic and creative experiences
Enables people and communities to function more effectively*

Discussion ensued in regard to including a definition of welfare in the statute and being a regional director within CLARB.

Mr. Tarkany stated the next national meeting will be held in Chicago, Illinois on September 15-17, 2011.

13. Public Comments

No public comments were made during this meeting.

14. Executive Session (If needed)

The Board did not enter executive session.

15. Adjournment

MOTION

There being no further business to be discussed at this time Ms. Dukes made a motion the meeting be adjourned. Mr. Grimball seconded the motion which carried unanimously.

The October 20, 2010 meeting of the SC Board of Landscape Architectural Examiners adjourned at 4:13 p.m.