

BEFORE THE SOUTH CAROLINA  
BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS

COPY

**ADVISORY COUNCIL MEETING**

\*\*\*\*\*

**Wednesday, October 19, 2011**  
10:08 a.m. - 12:40 p.m.

The Advisory Council Meeting was held before the South Carolina Board of Landscape Architectural Examiners taken at the Synergy Business Park, Kingstree Building, 110 Centerview Drive, Room 108, Columbia, South Carolina, on the 19th day of October, 2011 before Carla S. Dominick, Court Reporter and Notary Public in and for the State of South Carolina.

**APPEARANCES:****BOARD MEMBERS:**

Parks McLeod, Chairman  
 Barret D. Anderson  
 Laura Dukes

**ADVISE COUNSEL:**

James O. Saxson, Esquire

**ALSO PRESENT:**

Sherri Moorner, Program Assistant  
 Jan Simpson, Administrator  
 Brock McDaniel, City of Sumter  
 William Rozier, City of Sumter  
 John I. Redfern, Jr., Davis & Floyd, Inc.  
 Yancey M. Robertson, Jr., Davis & Floyd Inc.  
 Dottie Buchanan, LLR Operations Management

**INDEX****PAGE****CALL TO ORDER AND STATEMENT OF PUBLIC NOTICE:**

Mr. Chairman . . . . . 6

**INTRODUCTIONS OF BOARD MEMBERS:**

Mr. Chairman . . . . . 6

**APPROVAL OF JULY 20, 2011 MEETING MINUTES:**

Motion by Ms. Dukes . . . . . 6  
 Second by Mr. Anderson . . . . . 7

**REVISIONS TO AGENDA:**

Mr. Chairman . . . . . 7

**INTRODUCTIONS OF STAFF AND OTHERS:**

Ms. Moorer . . . . . 7

**REVISIONS TO AGENDA CONTINUED:**

Motion by Ms. Dukes . . . . . 8  
 Second by Mr. Anderson . . . . . 8  
 EXECUTIVE SESSION . . . . . 8  
 Motion by Ms. Dukes . . . . . 9  
 Second by Mr. Anderson . . . . . 9

**APPLICATION HEARINGS:**

Mr. Chairman . . . . . 9

**WITNESSES:**

YANCEY M. ROBERTSON, JR. . . . . 14  
 JOHN L. REDFERN, JR. . . . . 14

Motion by Ms. Dukes . . . . . 19  
 Second by Mr. Anderson . . . . . 19  
 Hearing Concluded . . . . . 21

**NEW BUSINESS:**

Mr. Chairman . . . . . 21  
 Motion by Ms. Dukes . . . . . 30  
 Second by Mr. Anderson . . . . . 31  
 EXECUTIVE SESSION . . . . . 31  
 Motion by Mr. Anderson . . . . . 31  
 Second by Ms. Dukes . . . . . 31

**APPLICATION REVIEWS:**

Mr. Chairman . . . . . 31

**BROCK ANDERSON McDANIEL APPLICATION . . . . . 32**

**WITNESS:**

BROCK ANDERSON McDANIEL . . . . . 33  
 WILLIAM ROZIER . . . . . 40

Motion by Ms. Dukes . . . . . 44  
 Second by Mr. Anderson . . . . . 45  
 Conclusion of Brock Anderson McDaniel's  
 Review . . . . . 45

<b>DARCY ELIZABETH LESLIE APPLICATION</b>	45
Motion by Mr. Anderson	49
Second by Ms. Dukes	49
Conclusion of Darcy Elizabeth Leslie's Review	50

<b>MICHAEL W. KIDD APPLICATION</b>	50
Motion by Ms. Dukes	50
Second by Mr. Anderson	50
Conclusion of Darcy Elizabeth Leslie's Review	51

<b>PATRICIA JOAN NEWSHUTZ APPLICATION</b>	51
Motion by Mr. Anderson	51
Second by Ms. Dukes	51
Conclusion of Patricia Joan Newshutz's Review	51

<b>DAVID DAVIS PEARSON APPLICATION</b>	51
Motion by Ms. Dukes	51
Second by Mr. Anderson	51
Conclusion of David Davis Pearson's Review	52

#### UNFINISHED BUSINESS:

Mr. Chairman	52
--------------	----

#### STAFF REPORTS - INVESTIGATIONS:

Mr. Todd Bond	53
Motion by Ms. Dukes	53
Second by Mr. Anderson	53

#### STAFF REPORTS - ADMINISTRATIVE REPORT:

Ms. Moorer	55
Ms. Simpson	55
Mr. Anderson	58
Ms. Moorer	60
Ms. Simpson	60
Mr. Anderson	61
Ms. Moorer	66

#### UNFINISHED BUSINESS CONTINUED:

Mr. Chairman	67
Ms. Moorer	67
Motion by Mr. Anderson	79
Second by Ms. Dukes	79

#### ELECTION OF OFFICERS:

Mr. Chairman	83
Motion by Ms. Dukes	84
Second by Mr. Anderson	84

PUBLIC COMMENTS:

Mr. Saxson . . . . . 85

BOARD MEMBERS REPORTS:

Mr. Chairman . . . . . 85

EXECUTIVE SESSION (if needed):

Mr. Chairman . . . . . 85

PUBLIC SESSION AND NOTICE OF NEXT MEETING:

Mr. Chairman . . . . . 85

ADJOURNMENT:

Mr. Chairman . . . . . 86

Motion by Ms. Dukes . . . . . 86

Second by Mr. Anderson . . . . . 86

Certificate . . . . . 87

EXHIBITS

**Exhibit Number One** . . . . . 16

(Ltr to LLR from

1) Mark Warner at Partnership Alliance dtd 10/14/11

2) J. Charles Barrineau at The City of Greenwood dtd 10/13/11

3) Brian A. Couture at STV/Ralph Whitehead Associates dtd 10/18/11

**Exhibit Number Two** . . . . . 16

(Copy of Landscape Architect License for Yancey M. Robertson, Jr.)

CALL TO ORDERAND STATEMENT OF PUBLIC NOTICE:

1  
2  
3 **MR. CHAIRMAN:** Okay. We're going to call to order  
4 the October 19, 2011 South Carolina Board of  
5 Landscape Architecture Examiners meeting.  
6 Notice of this meeting was properly posted by  
7 the South Carolina Board of Landscape  
8 Architecture Examiners' office, Synergy  
9 Business Park, Kingstree Building and provided  
10 to all requesting persons, organizations and  
11 news media in compliance with Section 30-4-80  
12 of the South Carolina Freedom of Information  
13 Act.

INTRODUCTION OF BOARD MEMBERS:

14  
15 **MR. CHAIRMAN:** Introduce the board members. I am  
16 Parks McLeod, a landscape architect.

17 **MS. DUKES:** Laura Dukes, landscape architect.

18 **MR. ANDERSON:** Barret Anderson, landscape architect.

APPROVAL OF JULY 20, 2011 MINUTES:

19  
20 **MR. CHAIRMAN:** The board members have received the  
21 meetings from the 2000 -- July 20, 2011  
22 meeting.

23 **MS. DUKES:** Make a motion to approve the minutes of  
24 July 20th meeting.

25 **MR. CHAIRMAN:** Motion. Discussion?

1 MR. ANDERSON: Second.

2 MR. CHAIRMAN: All in favor?

3 (Ayes are heard)

4 MR. CHAIRMAN: Approve.

5 REVISIONS TO AGENDA:

6 MR. CHAIRMAN: Are there any revisions to the  
7 agenda? If there are none then I'd like to  
8 entertain a motion that we enter into an  
9 executive session briefly.

10 MR. SAXSON: Someone needs to make a motion --

11 INTRODUCTION OF STAFF AND OTHERS:

12 MS. MOORER: Before we do that could we get everyone  
13 else who's here to --

14 MR. SAXSON: Introduce --

15 MS. MOORER: Introduce themselves just so we'll --

16 MR. SAXSON: Sure. You want me to --. You want to  
17 start? Ladies first.

18 MS. MOORER: I'm Sherri Moorner. I'm the Program  
19 Assistant for the Board of Landscape  
20 Architecture Examiners.

21 MS. SIMPSON: I'm Jan Simpson. I'm the designated  
22 Administrator for the Board.

23 MR. SAXON: I'm Jamie Saxon, I'm the Board's  
24 attorney.

25 MS. BUCHANAN: I'm Dottie Buchanan. I'm operational

1 management.

2 COURT REPORTER: I'm sorry, can you speak a little  
3 louder please.

4 MS. BUCHANAN: Dottie Buchanan, OBS Operational  
5 Management.

6 MR. ROBERTSON: I'm Yancey Robertson with Davis and  
7 Floyd. I'm a landscape architect.

8 MR. REDFERN: I'm John Redfern with Davis and Floyd.  
9 I'm the Chief Financial Officer.

10 MR. McDANIEL: I'm Brock McDaniel with the City of  
11 Sumter.

12 MR. ROZIER: I'm William Rozier. I'm the City  
13 Engineer with the City of Sumter.

14 MR. CHAIRMAN: Thank you.

15 MR. SAXSON: Now if somebody will make --

16 REVISIONS TO AGENDA CONTINUED:

17 MR. CHAIRMAN: Motion?

18 MS. DUKES: I make a motion to enter into executive  
19 session.

20 MR. ANDERSON: Second.

21 MR. CHAIRMAN: All in favor?

22 (Ayes are heard)

23 MR. CHAIRMAN: If y'all will excuse us.

24 (EXECUTIVE SESSION OFF THE RECORD)

25 MR. CHAIRMAN: I'd like to entertain a motion that



1 we now come out of executive session.

2 **MS. DUKES:** I make a motion to return from executive  
3 session.

4 **MR. ANDERSON:** Second.

5 **MR. CHAIRMAN:** Any discussion? All in favor?

6 (Ayes are heard)

7 **MR. CHAIRMAN:** Thank you. I'd also like to go on the  
8 record that during executive session that no  
9 actions or votes were taken by this Board.

10 **APPLICATION HEARINGS:**

11 **MR. CHAIRMAN:** At this time we will continue on the  
12 agenda, application hearing, Davis and Floyd.  
13 We'll call this hearing to order and at this  
14 time I'd like to make a statement that at some  
15 point in the past I have had employment with  
16 Davis and Floyd. I can't tell you how many  
17 years ago we've had a project that we worked on  
18 with them or what the project was. But I have  
19 in the past had to do -- have had that --

20 **MS. DUKES:** Not employment.

21 **MR. CHAIRMAN:** Not employment. I have been in -- I  
22 had been a landscape architect on Davis and  
23 Floyd projects.

24 **MR. SAXSON:** And Mr. Chair, do you have any -- I  
25 mean, do you know Mr. Robinson or Mr. Redfern

1 or have any relationships with them?

2 MR. CHAIRMAN: No, I do not.

3 MR. SAXSON: Okay. Do either or you have a problem  
4 with him continuing to hear --

5 MR. ROBERTSON: No, not at all.

6 MR. REDFERN: No, sir.

7 MR. SAXSON: Okay.

8 MR. ANDERSON: I also am an employee of Clemson  
9 University and Davis and Floyd are often hired  
10 to work with Clemson University. I have no  
11 personal knowledge or experience with either of  
12 the two here. But just wanted to state that.

13 MR. SAXSON: Do you have any objections to his  
14 participation?

15 MR. ROBERTSON: None at all.

16 MR. REDFERN: No, sir.

17 MS. DUKES: And I as well over 30 years being a  
18 landscape architect have come into contact with  
19 Davis and Floyd on projects as well. I do not  
20 have any personal knowledge of either of you.

21 MR. SAXSON: Any objections?

22 MR. ROBERTSON: No, sir.

23 MR. REDFERN: No, sir.

24 MR. CHAIRMAN: Thank you. This is a matter of Davis  
25 and Floyd, Incorporated. The purpose of this

1 hearing is to determine whether a certificate  
2 of authorization should be granted to Davis and  
3 Floyd Incorporated. Everyone is reminded that  
4 these proceedings are being recorded and the  
5 witnesses must be sworn before they testify.  
6 All remarks should be directed to the Vice  
7 Chair and all responses should be verbal. My  
8 name is Parks McLeod, I'm the Vice Chairman of  
9 the Board of Landscape Architecture Examiners.  
10 The attorney assigned us during this hearing is  
11 James Saxson, office of General Counsel with  
12 LLR. Other Board members are Laura Dukes and  
13 Barret Anderson.

14 **MR. SAXSON:** And if I may, forgive me for the  
15 interruption but for the court reporter's  
16 benefit, I'm the office of Advice Counsel not  
17 -- instead of General Counsel.

18 **MR. CHAIRMAN:** Okay. Thank you. This hearing is to  
19 be conducted in accordance with the provisions  
20 of South Carolina Code Section 40-1-90 of the  
21 South Carolina Administrative Procedures Act  
22 and the rules and regulations of South Carolina  
23 Board of Landscape Architecture Examiners. Ms.  
24 Moorer, is the completed application package in  
25 our materials.

1 MS. MOORER: Yes.

2 MR. CHAIRMAN: What questions did the staff have  
3 concerning this application.

4 MS. MOORER: Mr. Vice Chairman and other board  
5 members, Mr. Yancey M. Robertson, Jr.,  
6 responsible landscape architect for Davis and  
7 Floyd, Inc., indicated on the application that  
8 Davis and Floyd, Inc. has offered and provided  
9 landscape architectural services in the State  
10 of South Carolina without a certificate of  
11 authorization. They state they were unaware of  
12 the certificate of authorization requirement in  
13 our law. Because of this issue, this  
14 application is before you today. Relevant  
15 statutes include section 40-28-70(a) which  
16 states in part the practice or offer to  
17 practice landscape architecture through a firm  
18 is permitted only through entities holding a  
19 valid certificate of authorization issued by  
20 the Board.

21 MR. CHAIRMAN: Did the staff appoint anyone here  
22 today to answer the questions we might have?

23 MS. MOORER: No.

24 MR. CHAIRMAN: Is the application -- applicant  
25 present?

1 MS. MOORER: Yes.

2 MR. ROBERTSON: Yes.

3 MR. CHAIRMAN: Are you represented by counsel?

4 MR. ROBERTSON: No.

5 MR. CHAIRMAN: Mr. Robertson, do you have any  
6 witnesses that you intend to call to testify on  
7 your behalf?

8 MR. ROBERTSON: Yes, I'd like to introduce John  
9 Redfern who is the Chief Financial Officer for  
10 Davis and Floyd.

11 MR. CHAIRMAN: Okay. All right, I guess Mr.  
12 Robertson if you're to show why your license  
13 should be granted despite the questions raised  
14 by staff.

15 MR. SAXSON: You must swear them in first.

16 MS. DUKES: Do number 12.

17 MR. CHAIRMAN: Oh, did I skip by one?

18 MS. DUKES: Yes.

19 MR. CHAIRMAN: At this time, all persons who may  
20 testify should stand and please state your name  
21 for the record.

22 MR. ROBERTSON: Yancey McMillan Robertson, Jr.

23 MR. REDFERN: John L. Redfern, Jr.

24 MR. CHAIRMAN: Please raise your right-hand to be  
25 sworn in.

1 MR. YANCEY M. ROBERTSON, JR. AND MR. JOHN L.  
2 REDFERN, JR., having been duly sworn, testified  
3 follows:

4 MR. ROBERTSON: I do.

5 MR. REDFERN: I do.

6 MR. CHAIRMAN: Thank you. Okay. Now, we have Mr.  
7 Robertson. Are you ready to show us why your  
8 license should be granted despite the questions  
9 raised by staff?

10 MR. ROBERTSON: Yes, sir. And I'd like to state we  
11 appreciate the opportunity to do this and come  
12 before you and introduce ourselves to you.  
13 I've been a registered landscape architect for  
14 ten years since October 9, 2001 and during that  
15 time there have been no complaints against me.  
16 I've not been accused of any wrongdoing or had  
17 to appear in court and we're voluntarily  
18 bringing the matter before you that we do not  
19 have a certificate of authorization because we  
20 became aware of the fact that we should have  
21 one when we were filling out an application at  
22 RFQ for the County of Anderson for a kayak  
23 lodge and one of the questions and items it  
24 wanted us to address was to present a COA  
25 number. And at that time we realized we need

1 to have one. Prior to that point, before  
2 joining Davis and Floyd about three years ago,  
3 I was a sole proprietor since my license was  
4 granted to me ten years ago and I just operated  
5 under my license, under my name and I wasn't  
6 aware that incorporated firms had to have a  
7 COA. So it was just ignorance on my part that  
8 we do not have it.

9 **MR. CHAIRMAN:** Any questions from the Board?

10 **MS. DUKES:** I do have a question. Has Davis and  
11 Floyd ever had a full time landscape architect  
12 other than yourself?

13 **MR. ROBERTSON:** They have not. I'm the first one.

14 **MR. CHAIRMAN:** And you stated you've been there three  
15 years with Davis and Floyd?

16 **MR. ROBERTSON:** I've been there three years, yes,  
17 sir.

18 **MR. CHAIRMAN:** Is there any additional relevant  
19 information -- evidence you'd like for us to  
20 consider?

21 **MR. ROBERTSON:** Yes, I've got ten copies of letters,  
22 three -- three letters from clients, positive  
23 references of the service that I provided and  
24 the service that Davis and Floyd provided them  
25 associated with landscape

1 architecture/engineering firms and duties.

2 **MR. CHAIRMAN:** If you'll give me a second to look at  
3 these please. These are just letters of  
4 reference?

5 **MR. ROBERTSON:** Yes, sir. And finally there's a copy  
6 of my registration card.

7 **MR. CHAIRMAN:** Is that on here as well?

8 **MR. ROBERTSON:** It's on the back, the last sheet.

9 **MR. SAXSON:** All right. Be with you in just a  
10 second. Madam Court Reporter, would you please  
11 mark the three letters of reference together as  
12 applicant's Exhibit Number One, please.

13 (Applicant's Exhibit Number One was marked for  
14 identification purposes.)

15 **MR. SAXSON:** Does the Board have any objection to  
16 taking these?

17 **MR. CHAIRMAN:** I have none,

18 **MR. SAXSON:** And Madam Court Reporter if you'll  
19 mark the copy of his registration card as  
20 Applicant's two.

21 (Applicant's Exhibit Number Two was marked for  
22 identification purposes.)

23 **MR. SAXSON:** Is that okay with the Board?

24 **MR. CHAIRMAN:** I have no problem with it. Is that, I  
25 guess, that wraps up your presentation to this



1 Board? Yes.

2 **MR. ROBERTSON:** Can I introduce John Redfern?

3 **MR. CHAIRMAN:** Yes.

4 **MR. ROBERTSON:** If he'd care to say something?

5 **MR. REDFERN:** Mr. Vice-Chairman and other members of  
6 the Board, we want to thank you for the  
7 opportunity to allow us to be here today. I'm  
8 embarrassed to say that we are here because of  
9 a violation. Let me tell you a little bit  
10 about Davis and Floyd as a background so that  
11 you can understand the company. We had been  
12 around since 1954. We were found in South  
13 Carolina. About two-thirds of our work are  
14 governmental agencies. The South Carolina  
15 Department of Transportation is a large client  
16 of ours as well as Dorchester County. The  
17 other third is private industry of what we do.  
18 We are primarily civil engineers and a third of  
19 our work is civil engineering. A third of our  
20 work has been inspection on the highway  
21 projects that the South Carolina Department of  
22 Transportation and Dorchester County have been  
23 performing over the last several years. And  
24 the other third of our work is laboratory  
25 testing and surveying. So our core clearly is

1 civil engineering and until we hired Yancey, we  
2 did not have a landscape architect on staff, we  
3 always contracted that out to someone else.  
4 Part of my job is to make sure the we are  
5 registered and certified where we need to be  
6 and there are about 82 returns every year that  
7 I file, all the way from certificates of  
8 authorization to business personal property  
9 returns to annual reports. We certainly are a  
10 company that wants to be a good citizen and  
11 wants to do what's right. And sending in the  
12 application, the question obviously could be  
13 answered a different way, but we chose to be  
14 honest because that's the type of citizen that  
15 we want to be. And we're here in front of you  
16 this morning to ask that you approve that  
17 application and that we would certainly be a  
18 citizen going forward following all the rules  
19 that you put for us. Thank you.

20 **MR. CHAIRMAN:** Thank you.

21 **MR. SAXSON:** You need to ask questions of him if you  
22 would like to do that.

23 **MR. CHAIRMAN:** Do you have any questions? Thank you.

24 At this time --

25 **MS. DUKES:** I don't think we need to do it.

1 MR. CHAIRMAN: Excuse me?

2 MS. DUKES: I don't think we need to do it. We can  
3 just make a motion --

4 MR. CHAIRMAN: Okay. We can do that if you want.

5 MS. DUKES: -- just do that to approve the  
6 application.

7 MR. CHAIRMAN: All right. Your case has been  
8 submitted and the Board is ready to make a  
9 decision.

10 MS. DUKES: At this time I'd like to make a motion to  
11 approve the application for certificate of  
12 authorization for Davis and Floyd, Inc.

13 MR. CHAIRMAN: We have a motion, do we have a second?

14 MR. ANDERSON: Second.

15 MR. CHAIRMAN: Is there any further discussion? Time  
16 for a vote, all in favor?

17 (Ayes are heard)

18 MR. CHAIRMAN: The ayes have it unanimously.

19 MR. ROBERTSON: Thank you very much.

20 MR. CHAIRMAN: The decision was announced today  
21 expresses our basic elements of our ruling in  
22 this case. Counsel, staff and the board will  
23 prepare a document that is more fully express  
24 our conclusions in the appropriate language and  
25 format of the Board that the Board has

1 traditionally used and will be the final order  
2 of this matter. Mr. Robertson, thank you for  
3 your presentation and attendance here. Board  
4 members, thank you for attention and thoughtful  
5 proliferation. This concludes this hearing.  
6 Thank you.

7 **MR. SAXSON:** I'll correct one thing. Because your  
8 application was approved, you don't get an  
9 order from my office, you'll get something from  
10 the administrators. That's the only  
11 difference.

12 **MR. ROBERTSON:** Can I ask you a question? How do we  
13 move forward in paying the fees and getting the  
14 number --

15 **MR. CHAIRMAN:** Sherri will be handling all that.

16 **MR. SAXSON:** If you want to talk to Ms. Moorner at  
17 another time, she'll be glad to explain it to  
18 you.

19 **MS. MOORER:** It will issued because your -- the fee  
20 that you paid with the application actually  
21 covers your first renewal licensure cycle. So  
22 it will be issued today or tomorrow probably  
23 depending on when I can get back upstairs and  
24 get entered into the database. January 31,  
25 2013 will be the expiration date. And I

1 usually enclose a letter with a certificate to  
2 give you the details on it.

3 MR. REDFERN: Thank you very much.

4 MR. CHAIRMAN: Thank you for your time.

5 (The hearing was concluded)

6 NEW BUSINESS:

7 MR. CHAIRMAN: We'll continue on with our agenda.  
8 Seven, new business, review of CLARB LARE  
9 candidates. You have the paperwork in your  
10 folders. Sherri, you want to expound on this?

11 MS. MOORER: I'd like for Jan to actually be here  
12 too because this is something that came up at  
13 the CLARB national meeting. To give you -- are  
14 you ready?

15 MS. SIMPSON: I thought you were going to do the  
16 applications.

17 MS. MOORER: We wanted to this prior to applications  
18 to make sure that any reviews they did would  
19 roll up to the decisions that they made.

20 MS. SIMPSON: Right. And Barrett can chime in  
21 because he was there also. When we were in a  
22 discussion, actually it was an original  
23 meeting, it came to light that the statute does  
24 not really require that they complete education  
25 before they take the exam. So, have a look at

1           it.

2   **MS. MOORER:** Yeah.

3   **MR. ANDERSON:** There was a discussion also about are  
4       there portions of the exam that --

5   **MS. SIMPSON:** That should be --

6   **MR. ANDERSON:** An individual and a student status  
7       could qualify to take in advance. And the  
8       thought there being that if they begin that  
9       examination process at least in part, that they  
10      would be more apt to follow through and take  
11      the rest of the examination and ultimately  
12      become a licensed professional as a result of  
13      that. That was part of the discussion around  
14      that subject also --

15   **MR. CHAIRMAN:** The plan is to allow them to take --  
16       to begin taking the exam prior to --

17   **MR. ANDERSON:** Graduation.

18   **MS. MOORER:** I think the core issue -- the core  
19       question is under our old law you did have to  
20       pre-register candidates to take the LARE. It  
21       looks like since our legislative changes went  
22       through, that language was not carried over and  
23       the exam is transitioning to a new format about  
24       a year from now, in September of 2012.

25   **MS. DUKES:** I would like that the appropriate for the

1       -- for us to discuss this further would be in  
2       an executive session at a different time  
3       because we have not -- I mean, we have just  
4       recently gotten the new law, the regs we have  
5       just recently written those and those have not  
6       passed. And we still have not written a policy  
7       statement, so I think those are possibly some  
8       things that should be clarified in a policy  
9       statement versus --

10   **MR. ANDERSON:** I agree.

11   **MS. SIMPSON:** Policy has no force of law, that the  
12       problem with policy. So, if you want something  
13       to be -- if you want to be able to enforce  
14       something, its going to have to be the statutes  
15       and regs --

16   **MR. SAXSON:** It's going to have to be the statutes  
17       and regs.

18   **MS. DUKES:** So then --

19   **MS. SIMPSON:** And what it is and Barrett and I were  
20       both just frantically searching through because  
21       we thought it said that but it really does  
22       not. What 40-28-30 says is in order to be  
23       licensed as a landscape architect, it does not  
24       say in order to be able to take the test, to be  
25       eligible to take the test. It says to be

1 licensed you have to have passed the test and  
2 other qualifications. Be a graduate of an  
3 accredited program, two years of experience  
4 under supervision and satisfactory pass of a  
5 written examination administered by the CLARB  
6 or an equivalent examination.

7 **MS. MOORER:** If y'all feel you need to adjourn to  
8 executive session to speak

9 **MS. SIMPSON:** Right. That's fine.

10 **MS. MOORER:** -- to advice counsel about this to get  
11 some more clarification on this, feel free.

12 **MR. SAXSON:** I think right now we're okay, if y'all  
13 are.

14 **MS. DUKES:** I guess I would have to review the  
15 wording of it. I -- I feel very strongly that  
16 the examination should be after the education  
17 process and whether or not its implied from the  
18 order of the items. In that section B we've  
19 got an order of one, two, three and four. I  
20 don't know how that would be legally --

21 **MS. SIMPSON:** It does not say that though. Let me  
22 see if I can get to the regs.

23 **MR. SAXSON:** I have them here Jan if you want them in  
24 a hard copy.

25 **MS. SIMPSON:** And these are proposed regs. They have



1 not been finalized, but there is --

2 **MS. MOORER:** Approve --

3 **MS. SIMPSON:** -- they're all but final, so --

4 **MR. SAXSON:** Yeah.

5 **MS. SIMPSON:** Yeah. I mean to change them, we have to  
6 start over.

7 **MR. SAXSON:** And the statutory change would be even -  
8 -

9 **MS. DUKES:** Where are you referring to in the regs?  
10 Section 76-7?

11 **MS. MOORER:** Yes.

12 **MR. CHAIRMAN:** Jan, how does this compare to other  
13 states? Did y'all -- do you have any idea?

14 **MS. SIMPSON:** A lot of states, well, over half I  
15 think in that room, that day, the southern  
16 region said that their statute is written such  
17 that they could approve somebody taking the --  
18 part of the exam before they complete  
19 education. Barrett --

20 **MR. ANDERSON:** That's right. That's right. And  
21 that's why I alluded to the point I made --  
22 made previously about providing incentive to  
23 follow through.

24 **MS. SIMPSON:** So, that the thought is that if you get  
25 them started taking the exam, they pass one or

1 two sections, they are more likely to finish  
2 and become licensed then if they have to wait  
3 until after they have finished the education.  
4 More than likely, from what I understood, there  
5 are sections that lend themselves more to  
6 taking while they're in college. Its more --  
7 its more education oriented, more academic than  
8 practice related and so the practice related  
9 divisions would be more than likely taken after  
10 they graduate and have some experience.

11 **MS. DUKES:** Can this conversation not also be applied  
12 to the apprenticeship?

13 **MS. SIMPSON:** It's up to y'all.

14 **MS. DUKES:** I mean, if you're opening that for the  
15 order, I know Georgia has a definite order of  
16 education, apprenticeship, examination. And we  
17 have always --

18 **MS. SIMPSON:** That's entirely --

19 **MS. DUKES:** -- invoked that as well.

20 **MS. SIMPSON:** I can give you an example from another  
21 profession, the architects nationally are --  
22 the architects take the national exam just as  
23 the CLARB, it's -- it's the same thing.

24 **MS. DUKES:** Right.

25 **MS. SIMPSON:** They have seven divisions. They can

1 take it in any order but the South Carolina  
2 Board does not allow them to start taking it  
3 until they have completed their education. The  
4 South Carolina Board allows them to get  
5 experience prior to finishing the degree. So  
6 its up to y'all and it's the way the State  
7 writes the statute and regs as to what you  
8 think is the best order or if you wanted to  
9 open up the exam --

10 **MS. DUKES:** Well, having --

11 **MS. SIMPSON:** -- while they're in college but make  
12 them wait to count experience until after they  
13 finished -- I mean, that's -- that's your call.

14 **MR. ANDERSON:** Laura, let me ask one question.

15 **MS. DUKES:** Okay.

16 **MR. ANDERSON:** How is this discussion bearing on our  
17 agenda item for application review, for the  
18 sake of staying on the agenda, do we need to  
19 table this discussion until after we review  
20 candidates. I'm not real clear on why we're  
21 having this discussion now.

22 **MS. SIMPSON:** Because it could affect some of your  
23 decisions. And I --

24 **MS. DUKES:** Well, how we legally review the law and  
25 the regs having personally served on this Board

1 several terms and having personally written the  
2 exam as well as graded the exam and served  
3 CLARB national board, the way that we have been  
4 approving applications is the way the State of  
5 South Carolina should continue to review them.  
6 If we do need to review our law and regs, then  
7 we should strongly review that. CLARB has --

8 **MS. SIMPSON:** approved them under this statute  
9 currently in effect.

10 **MS. DUKES:** I'm not -- I'm not following that y'all  
11 were legally interpreting that in that manner.  
12 If we do need legal counsel on that --

13 **MS. SIMPSON:** Absolutely.

14 **MS. DUKES:** -- then I think we do need to table the  
15 discussion to review that.

16 **MS. SIMPSON:** I mean -- that -- if you want to do  
17 executive session for this now or later,  
18 whatever. I'm just --

19 **MR. SAXSON:** Jan, correct me if I'm wrong, but y'all  
20 studied this shows that the way the Board has  
21 traditionally done this is not covered in the  
22 statute.

23 **MS. SIMPSON:** Right.

24 **MS. MOORER:** Not with language as specific as was in  
25 our previous statute and regulations, which are

1 no longer in effect. And that's a concern as  
2 we had very explicit language before, and its  
3 not explicit any more and we just want to make  
4 sure that we're complying with the law that we  
5 have. If CLARB is asking us can students take  
6 this while they're still enrolled in college,  
7 we just need to make sure that whether we say  
8 yes or whether we say no, we've got the law to  
9 back it up. We don't -- if somebody comes back  
10 to us and says why did y'all make this  
11 decision, we want to be able to clearly say  
12 because --

13 **MR. CHAIRMAN:** At this point in time, all we can make  
14 our decision on is the --

15 **MS. MOORER:** Current law and I put the Code --

16 **MR. SAXSON:** And its section 30 right? 28 section 30  
17 -- 40-28-30?

18 **MS. SIMPSON:** I'm sorry. Yeah, 40-28-30.

19 **MR. CHAIRMAN:** And for us to make any change on this,  
20 we will basically begin the process over.

21 **MR. SAXSON:** Right.

22 **MR. CHAIRMAN:** After the process is completed, what  
23 is involved in changing if we elect to --

24 **MS. SIMPSON:** If you want to change the statute to  
25 say you can't take the exam until after --

1     **MR. CHAIRMAN:** The time frame, right.

2     **MS. SIMPSON:** Okay. You would go back at that point,  
3         when its passed by the Legislator --  
4         Legislature to go -- to do that same process  
5         you were using in the past. But under this it  
6         does not specify that. And I understand that's  
7         how its always been done, but the language does  
8         not --

9     **MR. CHAIRMAN:** How much time until we have -- I know  
10        we're starting the whole clock over and the  
11        whole process. What's -- when is this to be  
12        legislated?

13    **MS. SIMPSON:** We can get it before the Legislature in  
14        2012. I don't know what we do -- I don't know  
15        the logistics of what we do with the regs. If  
16        there's no conflict, we don't have to fix the  
17        regs. If the regs then have -- I don't know  
18        if it even addresses it.

19    **MS. MOORER:** The way the regs are very --

20    **MR. CHAIRMAN:** Well, it sounds to me - it sounds to  
21        me like we need to move forward --

22    **MS. DUKES:** I'd like to make a motion that we go into  
23        executive session and discuss with -- with  
24        legal counsel how we can review these  
25        applications that are presented for us today.

1 MR. CHAIRMAN: We have a motion, do we have a second?

2 MR. ANDERSON: Second.

3 MR. CHAIRMAN: Any discussion? All in favor?

4 (Ayes are heard)

5 MR. CHAIRMAN: Please excuse us again.

6 (EXECUTIVE SESSION - OFF THE RECORD)

7 MR. CHAIRMAN: I would like to entertain a motion  
8 that we exit executive session.

9 MR. ANDERSON: I move that we close executive  
10 session.

11 MS. DUKES: Second.

12 MR. CHAIRMAN: Any second? Any discussion? All in  
13 favor?

14 (Aye being heard.)

15 MR. CHAIRMAN: I'd like also for the record note that  
16 during executive session, no votes or action  
17 were taken. And on the basis of legal counsel,  
18 this Board will continue to review LARE  
19 candidates as we have in the past with no  
20 changes at this time.

21 APPLICATION REVIEWS:

22 MR. CHAIRMAN: Moving on to application reviews.  
23 First one we have is Darcy Elizabeth Leslie or  
24 --

25 MR. SAXSON: Why don't -- I suggest that we start

1 with Mr. McDaniels since he's here.

2 (BROCK ANDERSON McDANIEL'S APPLICATION REVIEW)

3 MS. DUKES: Sherri, do you have his packet?

4 MR. SAXSON: Did we lose the public member.

5 MS. SIMPSON: She really needed be in a real estate  
6 meeting.

7 MR. SAXSON: Oh, okay.

8 MS. MOORER: The applications are there and like I  
9 said before I hesitate to -- I usually only  
10 bring one copy of those to the meetings because  
11 there's so much personal information and I  
12 don't want --

13 MR. SAXSON: And I have --

14 MS. MOORER: -- copies floating around.

15 MR. SAXSON: I have --

16 MS. MOORER: And you have --

17 MR. SAXSON: I have it if anybody needs to discuss  
18 anything.

19 MS. DUKES: In reviewing Mr. McDaniel's packet, I see  
20 that has a degree in a related field and has --  
21 he's saying he's verifying a total of six years  
22 and five months experience.

23 MR. SAXSON: I have six years and six months. Did I  
24 have that down wrong?

25 MS. DUKES: I had a different in some of that too.



1           Basically the law says five years so we --

2   **MR. SAXSON:** We may have some questions for Mr.  
3           McDaniels. So why don't we go ahead and swear  
4           him in, just in case. Would you draw your  
5           attention to the court reporter.

6   **BROCK ANDERSON McDANIEL,** having been duly sworn,  
7           testified follows:

8   **MR. McDANIEL:** Yes.

9                               (Off the Record Discussion)

10   **MR. CHAIRMAN:** Laura, are you ready?

11   **MS. DUKES:** I had a question on any direct  
12           supervision under landscape architect, which  
13           I'm not finding in the -- maybe if you would  
14           just like to brief us on your experience.

15   **MR. McDANIEL:** Okay. In 2000 I was worked for a  
16           landscape architect in the state of Tennessee.  
17           His name was David Adams. I did just mainly  
18           installs for him. I worked with him, you know,  
19           during the planning, and we built arbors,  
20           fences, different planning projects. Primarily  
21           led crews for him and I worked with him from --  
22           about -- I guess from May until December  
23           working with him. And then I also worked for  
24           a gentleman by the name of Jake Morello who his  
25           a -- oh, and to go back, David is no longer a

1 registered landscape architect. He let his  
2 license lapse.

3 **MR. SAXSON:** But he was licenses during your time?

4 **MR. McDANIEL:** He was when I worked --

5 **MR. SAXSON:** The entire time?

6 **MR. McDANIEL:** Uh-huh (affirmative response).

7 **MS. DUKES:** And you worked for him in Tennessee under  
8 his Tennessee license?

9 **MR. McDANIEL:** Yes, ma'am.

10 **MS. DUKES:** Have we verified his license? Because --  
11 that was some of the question that I had.

12 **MS. MOORER:** I verified what was on the application.  
13 I believe that Jake Morello did provide a  
14 reference.

15 **MS. DUKES:** Well, I'm talking about David Adams, I'm  
16 sorry, which is the only landscape architect,  
17 correct?

18 **MR. McDANIEL:** No, I worked for Jake Morello --  
19 actually, I think its Morello and Associates.

20 **MS. DUKES:** Okay.

21 **MR. McDANIEL:** And I worked with him doing -- doing  
22 plans for him, design and install and  
23 maintenance and maintaining the landscape.  
24 Helping him with doing respective sketches,  
25 doing base plans, doing renderings for him and

1           then I worked also with leading crews doing  
2           installs and then maintaining the landscape for  
3           him as well.

4       **MR. SAXSON:** Can you give us some dates?

5       **MR. McDANIEL:** Yes. I worked for him pretty much on  
6           three separate occasions. I worked for him in  
7           '03 from March until November in '03. And then  
8           in '04 I worked with him May until August.  
9           And then in '06 --

10      **MR. SAXSON:** That was '04?

11      **MR. McDANIEL:** '04.

12      **MR. SAXSON:** Okay. Sorry.

13      **MR. McDANIEL:** And then in '06, I worked for him from  
14           May until September. And that was -- you know  
15           I was in school when I was doing that. And I  
16           was working with him on different projects and  
17           he had projects that were working with him.  
18           And then in '07 to '08, I worked for a company  
19           called Valley Crest Landscape out of Destin,  
20           Florida, actually Santa Rosa Beach, Florida.  
21           And while I was there, I was -- I did design,  
22           sell and install with our various clients  
23           pretty much from Pensacola to Panama City Beach  
24           is our area that we covered. And -- but a lot  
25           of our clients -- we had on staff landscape

1 architects. They were a different division but  
2 they would draw designs and we would do the --  
3 my department would do the install and a lot of  
4 our clients would also hire landscape  
5 architects that design landscapes for them and  
6 we would do the install and I would work with  
7 the architects, you know, they don't see the  
8 install, they'd come out -- like we'd lay out  
9 all the plants and they'd come out and, you  
10 know, inspect everything we plant. Also, when  
11 we run into problems we'd work with architects  
12 on site, kind of working through the problems  
13 and figuring out solutions on how we can make  
14 stuff work, but --

15 **MR. ANDERSON:** During that period, would you say that  
16 you were directly supervised by a licensed  
17 landscape architect?

18 **MR. McDANIEL:** Yes, sir. On those projects, yes,  
19 sir.

20 **MR. ANDERSON:** During that -- from '07 to '08?

21 **MR. McDANIEL:** From '07 to '0 -- not like -- I mean I  
22 had various projects. Like we probably did,  
23 you know, three projects a year that involved,  
24 you know, a landscape architect. But most of  
25 the time I was designing and installing,

1 scheduling, bidding work for my crew but, you  
2 know, we did some pretty major projects where  
3 landscape architects were involved and it took,  
4 you know, I know its almost, you know, each  
5 project was over a month long, you know, and we  
6 were given grading work, and we'd come in and  
7 do the irrigation and we would do, you know,  
8 the planting. You know, work through  
9 everything and the architect was on site during  
10 all those projects.

11 **MR. DUKES:** So the -- even though Valley Crest has  
12 had landscape architects working for them, you  
13 have a Stephen Bracken that substantiated that  
14 experience. He is not a landscape architect,  
15 is that correct?

16 **MR. McDANIEL:** No. And he was my -- like I worked  
17 for -- the development division is the one who  
18 the landscape architects worked for. And I  
19 worked for the maintenance division. So he was  
20 the maintenance branch manager and that's who  
21 he'll be called. I worked (inaudible).  
22 Currently I work for the City of Sumter. And  
23 my title is I'm the horticulturist. But it  
24 involves a wide variety of things that a lot of  
25 -- I do -- I design, install and maintenance

1 on city projects and I work with the planning  
2 commission with reviewing designs by landscape  
3 architects. Working with them on the planning  
4 stages, reviewing their designs. And then once  
5 they're installed, I work with them, you know,  
6 approving all of the contractors who are doing  
7 the install. And I work with the engineering  
8 department doing plans for the engineering  
9 department as well that require that  
10 landscaping, grading.

11 **MS. DUKES:** Who's your direct supervisor with the  
12 City?

13 **MR. McDANIEL:** My direct supervisor is Ray Goodman  
14 who is the Director of Public Services.

15 **MS. DUKES:** That was one of my questions because you  
16 have in your experience Mr. Rozier as  
17 substantiating the experience. However he does  
18 state on his form that you were not under --

19 **MR. CHAIRMAN:** Direct supervision.

20 **MS. DUKES:** -- under his direct supervision.  
21 However, it sounds like you've been performing  
22 experience -- I don't know if anyone's been  
23 checking over your work during that time frame  
24 or if Mr. Rozier has been checking over your  
25 work during that time frame. Which that's not

1 on this reference form.

2 **MR. CHAIRMAN:** I got two years -- I got 26 months  
3 under direct supervision of a landscape  
4 architect.

5 **MS. DUKES:** Not necessarily --

6 **MR. CHAIRMAN:** Between Adams and Morello. Am I  
7 right?

8 **MR. SAXSON:** He is indicating one year, 13 months.

9 **MS. DUKES:** Yeah, two years and a month under a  
10 landscape architect.

11 **MR. CHAIRMAN:** Okay.

12 **MS. DUKES:** And since he has a degree in a related  
13 field the requirements are five years, if you  
14 had the other one year and nine months from  
15 Valley Crest and then I guess my only question  
16 is the work currently with the City of Sumter.  
17 Because we really don't have an employment  
18 verification for the City of Sumter. According  
19 to what Mr. Rozier stated on his thing, he's  
20 not -- he's not under his direct supervision.  
21 And I don't know -- was there another --

22 **MS. SIMPSON:** Is he in the same department or?

23 **MR. ROZIER:** We're in -- we're in public services. I  
24 haven't been sworn in, is that okay if I --

25 **MR. CHAIRMAN:** No, you need to be sworn.

1 **MR. WILLIAM ROZIER**, having been duly sworn, testified  
2 as follows:

3 **MR. ROZIER:** Yes, ma'am, I do.

4 **COURT REPORTER:** Please state and spell your name for  
5 the record.

6 **MR. ROZIER:** My name is William E. Rozier. It's R-  
7 O-Z-I-E-R. We both work under public services.  
8 A lot of times my group is called on to do  
9 various designs. We don't have anybody who  
10 does landscape work in engineering so I rely on  
11 Mr. McDaniels to do all our landscape work. He  
12 and I have worked together for three years. I  
13 can -- not as direct supervisor, but I can  
14 verify that he does work for the City of Sumter  
15 as a full time employee. I do review all of  
16 his work. I'm basically the engineer of record,  
17 so any projects that go out under engineering  
18 that have to go under my seal. I don't seal  
19 landscaping because we're also the owners so  
20 its -- the way we look at it, it's kind of like  
21 we're depending on him to tell us what type of  
22 plants and all that we want. But I've turned  
23 over several grading projects to Mr. McDaniels  
24 and basically I reviewed everything and, you  
25 know, we basically worked on the storm water



1 plans together so I -- I mean, he's done very  
2 good work for us and, you know, I really  
3 appreciated the work he's done and I feel like  
4 he'd be a big asset to the landscape architect  
5 folks, so if that bears any weight.

6 **MS. DUKES:** So what I finding is he's got three years  
7 ten months substantiated and during the three  
8 years time frame that the two of y'all have  
9 worked together, to meet the five year  
10 requirement, he needs another 14 months. Would  
11 you say that roughly 14 months of the time that  
12 the two of y'all have worked together has been  
13 considered appropriate landscape architectural  
14 experience?

15 **MR. ROZIER:** Yes ma'am. We've done quite a few  
16 projects through many, many parks, changes in  
17 the parks and we recently headed added on to  
18 Riley Ballpark, which is one of our baseball  
19 facilities. Mr. McDaniels was responsible for  
20 a lot of that design work. Its hard for me to  
21 tell you exactly how many months, but I would  
22 say together we've worked on probably an equal  
23 amount of project time together face to face,  
24 working together.

25 **MS. DUKES:** Okay.

1 MR. CHAIRMAN: And your direct supervisor is just an  
2 administrator?

3 MR. ROZIER: My direct --

4 MR. CHAIRMAN: No, Mr. McDaniels.

5 MR. McDANIEL: My -- my direct supervisor is the  
6 director of public services and he's over  
7 parks, gardens, sanitation. He over the public  
8 services department.

9 MR. CHAIRMAN: Right. So he's -- just a -- he's an  
10 administrator basically what he --

11 MS. SIMPSON: Is he licensed at all?

12 MR. McDANIEL: No, ma'am.

13 MR. CHAIRMAN: Then you would like that applicant  
14 revise -- to basically -- I mean, because if  
15 he's saying that he's not been under direct,  
16 from Mr. Richard, that he's been under direct  
17 supervision, if he would qualify that with a  
18 period of time that would substantiate the five  
19 years of --

20 MS. DUKES: Which I think his -- his testimony here  
21 could --

22 MR. CHAIRMAN: Is that sufficient under the  
23 application --

24 MS. DUKES: -- to verify amount of 14 months.

25 MR. SAXSON: That's up to the Board.

1     **MS. SIMPSON:** The record that we keep will be of the  
2                   application, so it wouldn't hurt at all to  
3                   actually have the language on that application.  
4                   This transcript will be separate from that.

5     **MR. CHAIRMAN:** If we -- can we ask that this be  
6                   resubmitted revised and pending that --

7     **MS. DUKES:** Or since he's here today he could  
8                   probably modify it --

9     **MR. CHAIRMAN:** Well, I'm just saying

10    **MS. SIMPSON:** Do you have a legal problem with that?

11    **MR. SAXSON:** No, I do not.

12    **MS. SIMPSON:** So, if Mr. Rozier can --

13    **MR. SAXSON:** Resubmit.

14    **MS. SIMPSON:** Right. A revised statement today.

15    **MR. CHAIRMAN:** Are you comfortable with that Mr.  
16                   Rozier that if?

17    **MS. DUKES:** He can even add --

18    **MR. ROZIER:** Yes. Yes, sir. I think what I was  
19                   trying to say in my letter is that I'm not his  
20                   direct supervisor administratively.

21    **MR. CHAIRMAN:** But if he were directly under you for  
22                   that period of time while in the employment of  
23                   another -- yes. I think that's -- that's what  
24                   we're looking --

25    **MR. ROZIER:** And that's what I'm saying today and

1           yes, sir, I'd be glad to revise my letter to  
2           reflect that, if that --

3   **MS. DUKES:** I think you can just add it on the back  
4           page under your comments.

5   **MS. MOORER:** Yeah, that's the -- so even if he wants  
6           to go ahead and make a notation, I can put that  
7           in our system.

8   **MR. SAXSON:** He can do that now.

9   **MS. MOORER:** I don't see no reason to hold it --

10   **MR. SAXSON:** Can we go off the record for a moment to  
11           allow him to do that.

12                               **(Off the Record)**

13   **MR. CHAIRMAN:** Back on the record.

14   **COURT REPORTER:** On the record. Okay.

15   **MR. CHAIRMAN:** I'd just like to state Mr. Rozier  
16           modified his additional comments on the  
17           application stating that Mr. McDaniels has been  
18           under his direct supervisor for greater than 18  
19           months and approximately -- greater than 14  
20           months and approximately 18 months which will  
21           get Mr. McDaniels the five years need to sit  
22           for the exam. Do we have any other questions?  
23           Let's take -- call the vote on this individual  
24           if you would like to.

25   **MS. DUKES:** I make a motion to approve Mr. McDaniel.

1 MR. ANDERSON: I second.

2 MR. CHAIRMAN: Do you have any other discussion? All  
3 in favor?

4 (Ayes are heard)

5 MR. CHAIRMAN: Thank you. Best of luck to you.

6 MR. McDANIEL: Thank you.

7 MR. CHAIRMAN: Now, the fun begins.

8 MS. MOORER: I'll send you a confirmation.

9 MR. McDANIEL: Thank y'all again.

10 MR. CHAIRMAN: Thank you for bearing with us.

11 MR. SAXSON: So, that was Mr. McDaniel.

12 (CONCLUSION BROCK ANDERSON McDANIEL'S APPLICATION  
13 REVIEW)

14 MR. CHAIRMAN: The next LARE one Pop -- Sherri,  
15 which one is the next LARE?

16 (DARCY ELIZABETH LESLIE APPLICATION REVIEW)

17 MR. CHAIRMAN: Darcy Elizabeth Leslie.

18 MS. MOORER: Darcy Leslie and I invited her to  
19 attend. She elected not today, but --

20 MR. SAXSON: Do y'all take action even if the  
21 person's not here?

22 MS. MOORER: If its an approve -- what we usually do,  
23 if it's a positive yes, we typically do. If  
24 there are questions, we will usually table  
25 them.

1     **MR. SAXSON:** Bring her back. Great.

2     **MS. SIMPSON:** And bring her back.

3     **MR. SAXSON:** Got it.

4     **MS. MOORER:** So, I do make them aware if they are  
5         notified of the meeting and they indicate that  
6         they will not attend, I do make them aware that  
7         if there are any questions it could delay --

8     **MR. SAXSON:** It is certainly not required that they  
9         attend. I just -- I have one board that if  
10        they don't attend they don't take action until  
11        they do. So, I just ask.

12    **MS. DUKES:** Oh yeah, that's what somebody said. If  
13        they don't show up then --

14    **MR. SAXSON:** That's rare though.

15    **MS. DUKES:** The question that I had concern on Ms.  
16        Leslie's application was -- she has completed  
17        the necessary education requirements. She's  
18        been working roughly two years and one month  
19        under an engineer and then has some  
20        unsubstantiated experience under Todd Stedman,  
21        whose his note on there --. Read what he says  
22        on there.

23    **MR. CHAIRMAN:** Over the past several years I've  
24        worked with Darcy on and off advancing the  
25        mission of the Department of Juvenile Justice

1 in Columbia. I witnessed her participation and  
2 consensus building design and implementation of  
3 several design projects. She's conducted  
4 herself in a professional manner and shows  
5 tremendous personal integrity, a deep  
6 understanding of the profession, good  
7 ambassador and in the profession and I  
8 recommend her as candidate without reservation.

9 **MS. MOORER:** That experience at DJJ is volunteer  
10 work. But because she listed it on the  
11 application, I did ask that a form be submitted  
12 to substantiate it.

13 **MS. DUKES:** The way the law reads is that to have had  
14 two years of varied landscape architecture  
15 experience under the supervision of a landscape  
16 architect licensed under this chapter or other  
17 qualified person. Previously we haven't deemed  
18 that two years under an engineer substantiated  
19 -- was equivalent to two years under a  
20 landscape architect. If Mr. Stedman could give  
21 us a little bit more information of the exact  
22 time frame, I would be willing to re-review her  
23 application. But without any time frames, that  
24 could be one month, two months.

25 **MR. CHAIRMAN:** Right.

1 MS. DUKES: Two years.

2 MR. SAXSON: So y'all -- does that mean y'all want to  
3 table this one?

4 MR. CHAIRMAN: I'd like to see some more information  
5 on that. I mean, she's got a date of 2000 --  
6 August, 2006 to August, 2009, three years.

7 MS. DUKES: Oh, for DJJ?

8 MR. CHAIRMAN: Yes.

9 MS. DUKES: Yeah.

10 MR. SAXSON: Well, she got her Bachelor of Arts in  
11 2009 with a major in landscape architecture.  
12 Am I wrong, Sherri?

13 MS. DUKES: Yes, I saw that too. Yeah.

14 MS. SIMPSON: I was talking to her, I'm sorry say it  
15 again?

16 MR. CHAIRMAN: She got her BA from Clemson in  
17 landscape architecture in 2009. So that 2006  
18 to 2009 would have been while she was a  
19 student? Right.

20 MS. DUKES: We can either table it or disapprove it,  
21 unless -- you know. I mean, based on as  
22 submitted, I wouldn't approve it.

23 MR. SAXSON: If all you need is additional  
24 information, it'd be easier to table it then to  
25 just go ahead and deny it or -- and that's also



1 easier than accepting it on condition she  
2 provide so and so. Since she's not here, I  
3 would recommend just tabling it until she can  
4 provide additional information and come and  
5 answer any questions that you might have. If  
6 that suits y'all.

7 **MR. CHAIRMAN:** So, I'd table --

8 **MR. ANDERSON:** Chair, can I make a motion or chair  
9 should?

10 **MS. DUKES:** You can, I've been too vocal.

11 **MR. CHAIRMAN:** You want to make a motion for  
12 substantiation of enough hours.

13 **MR. ANDERSON:** I would move that we table the review  
14 of this application until further information  
15 is provided regarding experience.

16 **MR. SAXSON:** And would that motion also include  
17 giving her an opportunity to come in and answer  
18 questions?

19 **MR. ANDERSON:** Yes, we'll extend that invitation for  
20 her to attend.

21 **MR. CHAIRMAN:** So we have a motion.

22 **MS. DUKES:** Second.

23 **MR. CHAIRMAN:** Further discussion?

24 **MR. ANDERSON:** None.

25 **MR. CHAIRMAN:** None being, call for the vote. All in

1 favor of postponing or tabling?

2 MR. ANDERSON: Tabling.

3 MR. CHAIRMAN: Tabling this motion?

4 (Ayes are heard)

5 MR. CHAIRMAN: The ayes have it. Thank you.

6 (CONCLUSION OF DARCY ELIZABETH LESLIE'S REVIEW)

7 MR. CHAIRMAN: All right. We have three more;  
8 Michael Kidd, Newshutz, and Pearson. Are there  
9 any conflicts that the Board sees with any of  
10 these individuals?

11 MS. DUKES: I don't see any.

12 MR. ANDERSON: I don't see any.

13 MR. CHAIRMAN: Can I have a motion?

14 MR. SAXSON: Could we do a motion for each one  
15 individually?

16 MR. CHAIRMAN: Each one? Yes.

17 (MICHAEL W. KIDD'S APPLICATION REVIEW)

18 MR. CHAIRMAN: I'd like a motion for Michael W.  
19 Kidd?

20 MS. DUKES: Make a motion to approve Mr. Kidd's  
21 application?

22 MR. ANDERSON: I second that motion.

23 MR. CHAIRMAN: We have a second, any discussion? All  
24 in favor?

25 (Ayes are heard)

1 MR. CHAIRMAN: The ayes have it, pass it down.

2 (CONCLUSION OF MICHAEL KIDD'S APPLICATION REVIEW)

3 (PATRICIA JOAN NEWSHUTZ'S APPLICATION REVIEW)

4 MR. CHAIRMAN: Ms. Patricia Joan Newshutz?

5 MR. ANDERSON: We're not sure how to say that.

6 MR. CHAIRMAN: Not sure on that one. Can I have a  
7 motion?

8 MR. ANDERSON: I move that we grant licensure to Ms.  
9 Newshutz.

10 MS. DUKES: Second.

11 MR. CHAIRMAN: Second. Discussion? None. All in  
12 favor

13 (Ayes are heard)

14 MR. CHAIRMAN: The ayes have it.

15 (Conclusion of Patricia Joan Newshutz's Application  
16 Review)

17 (DAVID DAVIS PEARSON APPLICATION REVIEW)

18 MR. CHAIRMAN: David Davis Pearson Reciprocity.

19 MS. DUKES: Make a motion to grant licensure to Mr.  
20 Pearson.

21 MR. ANDERSON: I second.

22 MR. CHAIRMAN: All in -- discussion? None. All in  
23 favor?

24 (Ayes are heard)

25 MR. CHAIRMAN: The ayes have it. It's unanimous.

1 Thank you.

2 (Conclusion of David Davis Pearson's Application  
3 Review)

4 UNFINISHED BUSINESS

5 MR. CHAIRMAN: Item nine, unfinished Board business,  
6 Board perimeters.

7 MS. SIMPSON: Mr. Chairman.

8 MR. CHAIRMAN: Yes.

9 MS. SIMPSON: Excuse me, we have Todd Bond with us,  
10 if y'all would entertain a move or out of order  
11 on the agenda to let him -- he is Chief  
12 Investigator. Is that acceptable to you?

13 MR. CHAIRMAN: I have no problem with him. Let's see  
14 if any one else does.

15 MR. SAXSON: No.

16 MR. ANDERSON: Okay.

17 MR. CHAIRMAN: Is this 11-B? I'm sorry.

18 MR. SAXSON: It would be the LLB meeting.

19 MS. MOORER: Its got to be the 11-A and B.

20 MR. SAXSON: Oh, got it.

21 MS. MOORER: They kind of -- they kind of go  
22 together for the purposes of what we have  
23 proposed.

24 MR. SAXSON: That's all of them right?

25 MR. MOORER: Yes.

STAFF REPORTSInvestigations

1  
2  
3 **MR. TODD BOND:** The first meeting of the landscape  
4 architecture, I've seen on August 17th. We  
5 had one case, it was recommended that the  
6 respondent in this case be given a letter of  
7 caution. The original complaint was that their  
8 -- the firm was un-licensed. But under the  
9 laws they weren't quite required to be  
10 licensed. It's my understanding that they now  
11 have one. That part of the case was dismissed.  
12 I speak today of, I actually recommended a  
13 letter of caution, recommending that they be  
14 mindful of conflict of interest in business  
15 dealings. And -- so that's for y'all's  
16 approval.

17 **MR. CHAIRMAN:** So do we have one?

18 **MS. DUKES:** I make a motion to approve the  
19 recommendation.

20 **MR. ANDERSON:** I second that.

21 **MR. CHAIRMAN:** Discussion? None. All in favor?

22 (Ayes are heard)

23 **MR. CHAIRMAN:** Its unanimous.

24 **MR. BOND:** Thank you. And the final thing that we  
25 normally do is give a report of what's going on

1 in LARE with landscape architecture. There  
2 were two cases, one of which y'all had just  
3 approved for closure -- letter of caution and  
4 closure. There is one active currently being  
5 investigated.

6 MR. CHAIRMAN: Okay.

7 MR. BOND: That's all there is.

8 MR. CHAIRMAN: Thank you.

9 MR. BOND. All right. Thank you very much.

10 MR. CHAIRMAN: Thank you for your time.

11 MS. DUKES: Thank you.

12 MR. BOND: Y'all take care. I didn't know I was  
13 going to be appearing for y'all -- appearing  
14 before y'all until about --

15 MS. DUKES: Two minutes ago.

16 MR. BOND: -- Five or ten until ten this morning.  
17 So I apologize.

18 MR. CHAIRMAN: You did well.

19 MR. BOND: Thank you.

20 MS. DUKES: Perfect timing.

21 MS. SIMPSON: Thank you.

22 MR. CHAIRMAN: Okay. Should we --

23 MR. ANDERSON: Do we expect any one from General  
24 Counsel's office?

25 MS. MOORER: No, -- have any issues.

1 MR. SAXSON: I wouldn't think so.

2 MR. CHAIRMAN: Go ahead and finish up 11. Should be  
3 go ahead -- let's probably finish up staff  
4 reports.

5 MS. MOORER: If you want to finish up staff --

6 MR. CHAIRMAN: We have no one from General Counsel is  
7 coming, so I see -- no, all right. Jan and  
8 Sherri administrator's report.

9 Administrative Report

10 MS. MOORER: I believe -- was there anything from the  
11 CLARB meeting that has to be presented. If you  
12 want to go ahead and do them. Mine's basic.

13 MS. SIMPSON: I really enjoyed the CLARB meeting.  
14 Barrett and John were there, of course, as you  
15 know. And a lot of people asked about you  
16 Laura, even though we knew you weren't coming.  
17 LLR has since -- since that meeting, has issued  
18 a travel policy, which you've been sent, but  
19 the first one went out and then a revised one  
20 went out. But then, at the orientation meeting  
21 for Board members, last Tuesday, Director  
22 Templeton stated a different police than what  
23 had been sent in writing. And the difference  
24 is that what she said was that if the national  
25 organization will fund two people, then LLR

1 will also fund two people. If the national  
2 association -- I'm sorry, will pay for one,  
3 then LLR will pay for two. So, it -- it's a  
4 difference in what was written and I don't know  
5 if they're going to issue a clarification or  
6 not, but that's good news because before it was  
7 limited to two total plus the administrator.  
8 So, this will allow the possibility of four to  
9 attend, which is an improvement, I think. I  
10 like it when a Board can be there and be  
11 represented and have a voice and bring back  
12 what you've learned and everything. So I do  
13 think that's an improvement in the policy. And  
14 John will be funded, I think, by CLARB will he  
15 not as director.

16 **MR. ANDERSON:** He was voted in.

17 **MR. SIMPSON:** So, that was good news. Sherri has  
18 taken it under consideration with somewhat of  
19 a positive leaning that she will attend  
20 meetings as approved by LLR. We're going to  
21 address those issues with the director or who  
22 ever she would like for us to address them  
23 with. And the reason I want her to go is that  
24 she has much more knowledge than I do. You  
25 know I enjoyed and I learned a lot but it would



1 have been more beneficial to you as a Board had  
2 she been there. So, then I saw that -- well,  
3 anyway. The other issue I want to address with  
4 LLR is a reimbursement because a lot of times  
5 there's a difference in cost versus what you  
6 are reimbursed, as you know. So I'm trying to  
7 work those issues out with LLR. But, I'm  
8 constantly amazed at Sherri's abilities and her  
9 organizational skills. I mean I knew it, but  
10 every day she just demonstrates something else  
11 that she's really, really good at.

12 **MR. CHAIRMAN:** We've been blessed for sure.

13 **MR. ANDERSON:** We've been beneficiaries of that for  
14 years.

15 **MS. SIMPSON:** I know.

16 **MS. MOORER:** Thank you.

17 **MR. ANDERSON:** Glad she came with us.

18 **MS. SIMPSON:** But just wow. Its very -- very  
19 beneficial to y'all and to me and the other  
20 staff members with whom she works and OGC.

21 **MR. SAXSON:** And a pleasure.

22 **MS. DUKES:** Don't tell anybody else other than her  
23 bosses. Don't let any of the other departments  
24 know.

25 **MR. ANDERSON:** Amen.

1 **MS. SIMPSON:** Any questions that y'all have and then  
2 Sherri can give you some. She has statistical  
3 information in her report. So, that's --

4 **MR. ANDERSON:** I would like to speak just briefly to  
5 the experience I had since I was representing  
6 the group going. You know, I had a general  
7 idea of CLARB and the role that they play and  
8 knew that is was significant. But having the  
9 opportunity to attend that meeting really gave  
10 me a unique perspective coming back. Having a  
11 deeper understanding of what other groups are  
12 doing, other states are doing and coming back  
13 and having that knowledge now was -- is  
14 tremendous to me and I enjoyed my time there.  
15 It was a lot of -- was the discussions about  
16 CLARB and how they're organized, things that  
17 they're facing in the future, things that they  
18 anticipate. It just kind of deepened my  
19 understanding, I think and I hope that I can  
20 bring that understanding to bear, you know,  
21 serving on this board. I learned a lot. I  
22 think they did a very good job orienting me as  
23 a first time attendee.

24 **MS. DUKES:** That's great.

25 **MR. ANDERSON:** I got a lot out of the orientation. I

1        didn't know if I was a CLARB member or there's  
2        another designation. I stepped into the first  
3        meeting and just so happened to meet the  
4        president of CLARB and he said are you a member  
5        or are you just a -- what was the -- or a --

6        **MS. SIMPSON:** Member board?

7        **MR. ANDERSON:** Board executive. I don't know, I hope  
8        to learn that, which one I am in the first  
9        session. Sure enough, I did. I better  
10       understood what the roles are and how my role  
11       fit in to the greater scheme. So, they did a  
12       very good job with orientation I thought. In  
13       your report Jan, I don't know if we got into a  
14       lot of detail about the schedule for the LARE  
15       and the reorganization of that. But they gave  
16       a few -- a few dates of when that might be  
17       rolled out. And I took a few notes on that but  
18       I don't know if you want to go into those  
19       details now or not.

20       **MS. SIMPSON:** Are you talking about when it converts  
21       over to the computer based and how they're  
22       going to do it?

23       **MR. ANDERSON:** Right.

24       **MS. SIMPSON:** Yeah. That was a really good -- in  
25       fact, I can -- do we have that on our website?

1 I remember --

2 **MS. MOORER:** We do have a link to that on our website  
3 now. I just linked it with the CLARB website  
4 so that if they make any changes, we don't have  
5 to make our people go back and do it.

6 **MS. SIMPSON:** Right. They did a good job on that.  
7 The only thing that I wondered about with the  
8 transition was that they are delaying -- giving  
9 out a lot of information about the new -- the  
10 new test as it will be when it's converted  
11 because they don't want to confuse the current  
12 candidates. In the past I found that that can  
13 be a mistake, but I think what they want is --  
14 and I'm not saying they're doing it wrong, I'm  
15 just saying I think it's a little different  
16 approach and maybe that's -- that will work  
17 just fine. But they want to make sure people  
18 who are in the pipeline are notified that its  
19 getting ready to change so if you don't want to  
20 deal with the change, you better finish up now.  
21 Which is -- that's always a good thing.

22 **MR. CHAIRMAN:** Could this breaking into different --  
23 the same number of sections are not holding  
24 true moving forward, correct?

25 **MS. SIMPSON:** Its -- it's still four, isn't it?

1     **MR. ANDERSON:** It currently is five and they're  
2                   merging two sections into one, so there will be  
3                   a total of four sections.

4     **MR. CHAIRMAN:** So if you've not completed, then  
5                   you're either going to repeat or --

6     **MS. SIMPSON:** Uh-huh (affirmative response).

7     **MR. ANDERSON:** Uh-huh (affirmative response). Right  
8                   now, they're in what they call a usability  
9                   testing phase. Laura, you may know more about  
10                  what that entails, but some of the questions  
11                  that they're trying to understand more deeply,  
12                  are we testing what we think we are with the  
13                  material and how it is re-formatted. And all  
14                  candidates would go through the CLARB website  
15                  to register for the exam. That was a point  
16                  that they made. They'll be delivering the test  
17                  through upgraded testing centers. And they're  
18                  saying that through the way that they're  
19                  delivering this test, there'll be greater  
20                  opportunity to test individuals and greater --  
21                  broader range of choices of when you can  
22                  schedule your exam and quicker score results  
23                  were some of the benefits that they --

24     **MR. CHAIRMAN:** So is it not going to be a set day.  
25                   It'll be when your time -- when you're prepared

1 to take it, you'll take it?

2 **MS. DUKES:** It'll be more options which is going to  
3 probably affect us as far as timing of  
4 approving candidates.

5 **MS. SIMPSON:** It won't be deadlines for them either.

6 **MS. MOORER:** I'm not sure if there end goal is to  
7 have a continuous like -- do the architects  
8 have continuous testing now?

9 **MS. SIMPSON:** Architects do. Engineers are moving to  
10 that in 2014 and they're going to do two months  
11 of testing with a following month off. Two --  
12 two on, one off. Two on, one off.

13 **MS. MOORER:** And I'm not sure if they're looking at  
14 those to see how they go to decide how they are  
15 to implement in the future, but my  
16 understanding is they will still have, I  
17 believe, four administrations a year. I don't  
18 know if their end goal is to have it continuous  
19 or have like the engineers going to several  
20 months on, one month off. I have not heard  
21 what their end goal is. Of course, they don't  
22 usually, you know, tell you that, because  
23 they're researching it, so it's a moving  
24 target.

25 **MR. CHAIRMAN:** So this goes live, when?

1 MS. MOORER: September, 2012 is when the new exam  
2 goes live.

3 MR. ANDERSON: That's the -- that's for sections one  
4 and two, I think. And sections three and four  
5 goes live December.

6 MS. MOORER: Yes.

7 MR. CHAIRMAN: So its right -- its right on us.  
8 Good.

9 MR. ANDERSON: December, 2012.

10 MS. DUKES: Yeah, not this coming --

11 MR. CHAIRMAN: But September --

12 MR. SAXSON: Yes.

13 MR. CHAIRMAN: I mean its right on us.

14 MR. ANDERSON: I think their correspondence to go out  
15 to notify folks is going to be done in May of  
16 2012. So we're going to see a lot of letters  
17 and notifications coming out from CLARB around  
18 that time period.

19 MS. SIMPSON: The other thing that they discussed  
20 that I thought was really interesting was that  
21 they determinants of success and they -- they  
22 did analysis of test takers who had finished --  
23 finished their education in some field and  
24 those who had not. And they did not find that  
25 -- or, let me put it this way -- they found

1           that people who were more successful at passing  
2           certain divisions were still in school or just  
3           out. So I think that also drives -- I mean, I  
4           can see where they want to up their numbers of  
5           people taking the exam. Just purely business  
6           model.

7       **MR. ANDERSON:** And they're -- and they're trying to  
8           improve on the success rate.

9       **MS. SIMPSON:** Right. And that -- yeah, exactly. So  
10          if we can show -- if they can show by  
11          statistics that those candidates taking certain  
12          sections while they're in school or just after  
13          are more likely to pass, then that gives you  
14          other information as to whether you want to  
15          change as a state or not.

16       **MS. DUKES:** Well, and some of that is it knowledge  
17          too that needs to be retained not just fresh  
18          knowledge, you know, that's --

19       **MR. ANDERSON:** True.

20       **MS. DUKES:** -- driven into you for four years. Is it  
21          knowledge that should be retained over two,  
22          which hopefully they're kind of factoring that  
23          in.

24       **MS. SIMPSON:** It was interesting. Is it Prometric --  
25          isn't it Prometric that they use Prometric test



1 sites?

2 **MS. DUKES:** They have in the past. I don't know who  
3 their new contract is.

4 **MS. SIMPSON:** There's one right over here, this  
5 building, adjacent to us.

6 **MS. DUKES:** Oh, perfect.

7 **MS. SIMPSON:** I went over there the other day, I was  
8 out walking at lunch and the door was locked.  
9 It was Monday and there was nobody in there.  
10 So, I'm wondering if maybe they close on Monday  
11 or just didn't have anything scheduled for that  
12 day. But its right there and they really have  
13 a very -- it's the largest network of test  
14 centers of anybody in America. And they're  
15 adding more because the engineers.

16 **MS. DUKES:** Perfect.

17 **MS. SIMPSON:** So, any way.

18 **MR. CHAIRMAN:** Sherri --

19 **MS. MOORER:** -- they're using them, I don't know if  
20 they are considering them for the future  
21 administration for the new format. I believe  
22 they put out an open call for that to see who  
23 can best serve their needs. I've not heard  
24 that they made a selection, but I believe they  
25 would stay with Prometric if they could meet

1           their needs.

2   **MS. SIMPSON:** Right.   And I've got architects and  
3           engineers running around in my head too, so I  
4           may be wrong about that specific information.

5   **MR. SAXSON:** Sherri, anything else to add?

6   **MS. MOORER:** I have some basic information I give at  
7           every meeting.   I don't really have anything  
8           new to add at this point in time.   Its been  
9           fairly quiet with our programs.   We currently  
10          have 783 active people in the program.   We have  
11          48 active exam candidates, 117 active firms and  
12          618 active landscape architects.   We're getting  
13          more applications in.   I think that's a good  
14          thing.   I'm seeing -- I am seeing the numbers  
15          increasing and I put a list out there on the  
16          secure website and y'all might have to of  
17          people who were licensed based on parameters  
18          since the last meeting.   It looks like there  
19          were about ten of them.   It was a split between  
20          the firms and CLARB certified.   We're seeing a  
21          lot of CLARB certified people coming through.  
22          CLARB has been a little bit slow in getting  
23          those records to us for those certified people,  
24          but I believe it is because they have updating  
25          their website recently.   That update was

1 recently completed so I think they're going to  
2 start coming in more regularly now. And I also  
3 put financial information since our last  
4 meeting. I believe that includes -- actually  
5 June because we were in close out at our last  
6 meeting so they didn't have the June reports.  
7 We got the September report yesterday and it  
8 looks like we currently have a balance  
9 \$256,118.53 cash balance in the program as of  
10 September 30th.

11 **MR. CHAIRMAN:** Good.

12 **MS. MOORER:** And that's all that I have is basic  
13 information. The Legislature isn't in session  
14 so there is no legislative report and things  
15 have been pretty quiet.

16 UNFINISHED BUSINESS CONTINUED

17 **MR. CHAIRMAN:** Good. Thank you. All right. Let's  
18 move back up to board parameters under nine  
19 unfinished business. I think you got it in  
20 your packet under agenda item nine A. Sherri  
21 do you want to expound on that?

22 **MS. MOORER:** Yes, the board parameters. And I  
23 believe that I put in your packets a list of  
24 the parameters that we currently have that we  
25 voted on at previous meetings. And its really

1       -- its coming along really well. I believe  
2       that this gives us a good sense of direction.  
3       There are a few things that we haven't  
4       established parameters for and what the  
5       parameters are for is to give staff  
6       instructions on how to handle certain types of  
7       situations as they come up. We've discussed  
8       this at previous meetings. What I did, is I  
9       just went through -- I looked at what we had  
10      and what we still need to get and it looks like  
11      for licensure issues, we have not established  
12      parameters for applications that come in for --  
13      that apply by reciprocity. They don't have a  
14      CLARB record or anything, they're just applying  
15      for reciprocity. And we don't have parameter  
16      for people who are re-applying for licensure.  
17      Now, what that means is our law was changed for  
18      reinstatement was only allowed for a period of  
19      two years. So, if somebody's license lapses  
20      more than two years, they have to reapply. I  
21      think that would be very similar to applying  
22      for reciprocity. Basically, the information's  
23      in the database they've just timed out. That  
24      application that we just approved for Patricia  
25      Newshutz -- it would be the one with the tricky

1 last name. She actually had a license with us  
2 previously, it lapsed in the mid 90's. Because  
3 of the time frame she had to reapply. And she  
4 has been working since then, we verified her  
5 experience, it was just a procedural matter of  
6 to get another license active. Because of our  
7 law she had to reapply. And we like to have  
8 parameters at least to cover all situations  
9 just so staff is explicitly clear whenever an  
10 application comes in on how to handle it.  
11 Everybody who applies for reciprocity or who  
12 reapplies for licensure currently does have to  
13 come before the Board for an application  
14 hearing. We really hate to keep dragging  
15 people in for hearings, especially if their  
16 application is fairly clear and it doesn't  
17 warrant discussion. It would be nice to know  
18 with say somebody called me and said okay I had  
19 my application on the agenda, would you  
20 recommend I come in. That can be a hard  
21 judgment call for me to make. Because in the  
22 case of Darcy Leslie and Brock McDaniel, I  
23 suggested that they both come in, one came the  
24 other didn't. And I advised both of them to be  
25 here but --

1     **MR. CHAIRMAN:** I think the action of the Board  
2                   warranted what your recommendations were. So  
3                   -- I do -- I agree with your -- I think we  
4                   agree your decision and your thoughts --  
5                   thought process on that.

6     **MS. MOORER:** And we'd just like some more explicit  
7                   instructions on it instead of me making that  
8                   judgment call on my own. I'd like to know what  
9                   y'all would like to see.

10    **MS. SIMPSON:** One of the options for you is to  
11                   designate one Board member to review and if  
12                   that's -- if it's okay with one Board member  
13                   then that person notifies Sherri, looks good to  
14                   me, we license them.

15    **MR. SAXSON:** Are you talking about reciprocity now or  
16                   either way?

17    **MS. SIMPSON:** I'm talking about -- yeah, the one that  
18                   we do not have parameters for. They don't have  
19                   a CLARB record, so they're independently  
20                   sending in transcripts, work verifications --

21    **MR. CHAIRMAN:** Just like we went through.

22    **MS. SIMPSON:** Uh-huh (affirmative response).

23    **MR. SAXSON:** And from my point of view, if the  
24                   applicant can provide all of the information  
25                   needed, whether its for reciprocity or not, I

1 don't see why that would be a problem. If the  
2 information is there and is submitted so that  
3 its clear whether it can be granted or not, I  
4 don't see why there would be a problem with  
5 granting that authority to administrative  
6 staff.

7 **MR. CHAIRMAN:** With -- are you still in agreement  
8 with the review of one of the board members?

9 **MR. SAXSON:** I don't know that you need that. It  
10 certainly is not a problem.

11 **MR. CHAIRMAN:** My -- I guess --

12 **MR. SAXSON:** There are some things that are black and  
13 white and some that are gray. Now if it's a  
14 gray area, I think you might want to involve  
15 them -- a board member.

16 **MR. CHAIRMAN:** Typically in a -- in a -- between  
17 meetings, what are we looking at. Five, six  
18 applications total for combined of those two?

19 **MS. MOORER:** I'd say recently the number of  
20 applications coming in are increasing. But my  
21 -- my leaning at this point in time is if -- I  
22 do recommend that they come in if, like the one  
23 that showed up today, if we don't have clear  
24 documentation, I don't see the degree and the  
25 years under the direct supervision. If they

1       are applying experience from an engineer or if  
2       they work for a city or county and they're on  
3       a team like Mr. McDaniels was where the  
4       engineer wasn't his direct supervisor, it was  
5       an administrator supervisor but the engineer  
6       was working with him on a day to day basis,  
7       that got a little bit convoluted and I -- I did  
8       not feel comfortable -- I had doubts.

9       **MR. SAXSON:** Would you like Sherri -- would you like  
10      if we -- if we go back to having a Board  
11      member, one Board member review it in  
12      conjunction with your review, do you want them  
13      to review every application that comes in or  
14      just the ones you feel may be more on a gray  
15      line as opposed to cut and dry?

16      **MS. MOORER:** The gray line. And the goal with these  
17      parameters is to minimize the number of  
18      applications that come to review at the  
19      meetings. We want to license people who are  
20      clearly qualified. We want to license them as  
21      soon as possible. And people who aren't  
22      clearly qualified, we'd like to establish a  
23      process where we can get them reviewed in less  
24      than 90 days, unless they obviously need to  
25      appear before you. We -- what we're looking



1 for is a weeding out process. We're trying to  
2 take these applications out of the --

3 **MR. CHAIRMAN:** I don't -- I don't see a -- I think  
4 it's a good policy and I -- I'd be leaning  
5 towards one person as the Board person who  
6 would review it.

7 **MS. MOORER:** And that would be okay. I mean, it --  
8 we have a secure website and I could post the  
9 applications and even if one person doesn't  
10 want to do it all the time, if you want to say  
11 okay we're going to designate this person for  
12 the next 90 day period to review applications  
13 and then the next meeting okay we're going to  
14 let somebody else --

15 **MR. CHAIRMAN:** Isn't another option to simply -- you  
16 send out an e-mail posting it, say its on the  
17 secure website. You have 30 days -- you as a  
18 Board have 30 days --

19 **MS. SIMPSON:** Three days.

20 **MR. CHAIRMAN:** Three days?

21 **MR. SIMPSON:** Five days.

22 **MR. SAXSON:** Yeah, do a small amount of time.

23 **MR. CHAIRMAN:** To review it, yeah I agree because  
24 otherwise it hits the inbox and sits there.

25 **MR. SAXSON:** Just the -- one of the considerations is

1 to give good customer service and not to make  
2 people who really meet the requirements to have  
3 to wait so long to be licensed.

4 **MS. SIMPSON:** Ten days would be reasonable. I was  
5 being --

6 **MR. CHAIRMAN:** But then again, we're only talking  
7 about the ones that fall within the gray zone  
8 right? Not --

9 **MS. SIMPSON:** To me, if somebody -- we get an  
10 application where they have a landscape  
11 architectural degree, they have verified six  
12 years of experience and they've taken and  
13 passed the LARE, that does not --

14 **MR. CHAIRMAN:** I agree. I agree. Why go through the  
15 process. It meets all the criteria.

16 **MS. SIMPSON:** But today, these two were different.

17 **MR. ANDERSON:** Yeah, these fell on the borderline.  
18 I'm in favor of just posting that to the  
19 website, sending out an e-mail notification.  
20 We respond and copy to each other, to Sherri.

21 **MR. CHAIRMAN:** If we respond, does -- does the  
22 website allow that to be posted for within the  
23 Board members to review?

24 **MR. ANDERSON:** Is that illegal?

25 **MR. CHAIRMAN:** I don't know. Well, it is if it's a

1 parameter, wouldn't it be?

2 **MR. SAXSON:** We're getting into an area where you --  
3 you're almost having a meeting.

4 **MS. SIMPSON:** Or if there is a hearing later, they're  
5 all tainted.

6 **MR. SAXSON:** Right.

7 **MS. MOORER:** I think that's -- that's why he suggested  
8 have one Board member look at. And what would  
9 happen is if that -- to keep everybody else  
10 from being tainted, if that one Board member,  
11 say you were the person designated and you  
12 looked at the application and you said, you  
13 know what, I'm not sure about this one either  
14 I think they need to come before the Board.  
15 Put them on the agenda for the next meeting.  
16 Then the other Board members -- you can't hear  
17 it at that point, because you've already looked  
18 at it. But the other Board members can hear it  
19 and take a vote to determine whether or not --

20 **MR. CHAIRMAN:** The only problem I'm going to have  
21 with that is based on our last two Board  
22 meetings, we wouldn't have a quorum.

23 **MS. MOORER:** We are working on that.

24 **MR. SAXSON:** We're going to have to be very careful  
25 to have a quorum.

1 **MR. ANDERSON:** And maybe for that reason we need to  
2 come back around to this, establishing this  
3 process after we get those positions filled.  
4 And then --

5 **MS. SIMPSON:** The -- yeah -- one is professional and  
6 then you have two publics. The publics are not  
7 going to be able to contribute a whole lot from  
8 a professional standpoint.

9 **MR. SAXSON:** I think you can go ahead and --

10 **MR. CHAIRMAN:** Can we set the parameter though on  
11 these two that -- with --

12 **MR. SAXSON:** If you have any fears, this reapplying  
13 for licensure, if -- any time they're going to  
14 be an unlicensed practice issues or  
15 disciplinary issues, that's going to come  
16 before you anyway. So you can --

17 **MS. MOORER:** I'm going to weed those out. If somebody  
18 reapplies for licensure and I see on that  
19 application well -- well, I as lapsed in South  
20 Carolina, I was sanctioned in another state.  
21 I'm going to stop that application right there  
22 and I'm going to turn it over to  
23 investigations. Y'all won't see it at that  
24 point in time.

25 **MR. SAXSON:** No way that -- what Sherri does in that

1 instance keeps you from being tainted. And if  
2 the proper investigation results in a formal  
3 complaint then that would come to you as a  
4 disciplinary hearing. And so you're dealing  
5 with it that way instead of through the  
6 application process.

7 **MS. MOORER:** I know it's a very different process  
8 then we had previously.

9 **MS. DUKES:** I think the reciprocity is fine to  
10 approve at staff level as long as they meet,  
11 you know, our same requirements. If some  
12 states do not have apprenticeship requirements  
13 for licensure.

14 **MS. MOORER:** And if I had any questions, I would ask.

15 **MS. DUKES:** The thing with the two years or more,  
16 that was one of my questions with Ms. Newshutz  
17 is what had they been do -- if its two years  
18 that's probably not a huge deal. Hers was like  
19 nine. What had they been doing during that  
20 time period and she'd clearly, you know, proved  
21 that she had been practicing in similar  
22 professions, not landscape architecture related  
23 but still staying up on health, safety and  
24 welfare issues. With us having the continuing  
25 education requirements that probably resolves

1           some --

2   **MR. CHAIRMAN:** That's going to change the whole game  
3           since that is what's -- so have you -- you as  
4           a Board in agreement that -- that licensure and  
5           reciprocity can move to a staff level with if  
6           there is a gray area or a conflict, come back  
7           to the Board for review and approval?

8   **MS. MOORER:** We can make it --

9   **MR. CHAIRMAN:** That was a question.

10   **MR. SAXSON:** Why don't we have a motion and a --

11   **MS. DUKES:** Let's see we discuss this for like three  
12           hours last time.

13   **MS. MOORER:** What we can do is we can re-address it.  
14           If y'all want to do it that way, that's okay  
15           and then once we have our full Board sitting,  
16           if y'all want to talk about the option of  
17           designating one person when we have at least  
18           one more professional member appointed and we  
19           know we'll have forms. We can -- we can always  
20           revisit these in the future. So if y'all want  
21           to approve staff level licensure for  
22           reciprocity and reapplication for people who  
23           clearly meet the requirements and of course if  
24           it's a mess, it comes to y'all.

25                           **(Off the Record Discussion)**

1 MR. ANDERSON: I move that we as a Board accept staff  
2 level approval for initial licensure in  
3 reciprocity and also for reapplying for  
4 licensure.

5 MS. DUKES: Absolve.

6 MR. SAXSON: Would you restate that for the record  
7 please?

8 MR. ANDERSON: I would make the motion to grant staff  
9 level licensure for initial licensure  
10 reciprocity and also for reapplying for  
11 licensure

12 MS. DUKES: I'll second that motion.

13 MR. CHAIRMAN: Any further discussion? All in favor?

14 (Ayes are heard)

15 MR. CHAIRMAN: The ayes have it. It's unanimous.

16 MS. MOORER: And to clarify for the record what that  
17 means. If we get an application for  
18 reciprocity or re-applying for licensure and  
19 they submit documentation that they got the two  
20 years, I see that they got the education. That  
21 the two years or the five years was verified by  
22 a landscape architect and they pass the exam  
23 and they're in good standing, I go ahead and  
24 license them. Anything else still comes for an  
25 application review at least if there experience

1 is varied, if it falls under that definition of  
2 at the discretion of the Board, as in its under  
3 an engineer or another qualified individual,  
4 they will still come for an application  
5 hearing. So we're not cutting you out of the  
6 process.

7 **MR. SAXSON:** And Sherri's not working in a vacuum  
8 either. She can always talk with me if there  
9 are any questions -- legal questions.

10 **MR. CHAIRMAN:** And I guess for the record too, we  
11 want to state that when this Board reaches  
12 closer to its designated number of members,  
13 that we want to revisit about assigning an  
14 individual to review along with Sherri.

15 **MR. ANDERSON:** Do we need a separate motion on that?

16 **MS. DUKES:** No, I think we'll review that at the  
17 time.

18 **MS. MOORER:** Just have a note, so I'll know to put it  
19 back on --

20 **MS. DUKES:** I think just be -- I mean I know you're  
21 very careful in it, but make sure that the  
22 number of months is substantiated in several  
23 different places, because sometimes even in the  
24 employment verification on the back, like a  
25 couple of those, you know, we saw today, you



1 know.

2 **MR. SAXSON:** Creativity.

3 **MS. DUKES:** Yeah, we deal with some creative folks  
4 here.

5 **MS. MOORER:** What is so hard about that is that they  
6 fill out the application in July and the person  
7 doesn't turn in the reference form until August  
8 or September, there's a two or three month  
9 discrepancy already. But, I'm hoping that our  
10 regulations will take care of that because the  
11 new regulations will put the burden on the  
12 applicant of getting those references and  
13 employment verifications back to us instead of  
14 me sending them out and them sending them back.  
15 The new regulations are going to put it all out  
16 there and that going -- the applicant's going  
17 to send those out themselves and then return  
18 the whole package to us. I hope once the  
19 regulations pass, that problem that we keep  
20 seeing about three months here, five months  
21 there, is going to clear up.

22 **MS. DUKES:** I'd also like to see, I don't know if we  
23 can do it, but on that part of the application  
24 that they have to list their direct supervisor  
25 on there too. I mean, it just --

1 MS. MOORER: It doesn't ask for it.

2 MS. DUKES: It just says employer name and complete  
3 address, so.

4 MS. MOORER: I thought we did ask for the direct  
5 supervisor. I need to go back and look at  
6 that.

7 MS. DUKES: Yeah. Typically they do kind of put  
8 that, but --

9 MR. CHAIRMAN: Can we do that without --

10 MR. SAXSON: Yeah, you don't need --

11 MR. CHAIRMAN: Major hurdles.

12 MS. DUKES: Yeah, I think that would be --

13 MR. SAXSON: It's a typing thing.

14 MS. MOORER: That falls under the application as  
15 approved by the Department clause and the law  
16 so we can change the application without any  
17 problem.

18 ELECTION OF OFFICERS

19 MR. CHAIRMAN: All right. Election of officers.

20 MS. MOORER: What we really need is a Chairman and  
21 Vice Chairman.

22 MR. CHAIRMAN: Is Morgan not chair?

23 MS. MOORER: He is on the record as being the  
24 Chairperson but since his term expired -- this  
25 is something we've been through. Although his

1 term expired on June 30th, he is supposed to  
2 serve until his --

3 **MR. SAXSON:** Re-appointment. Until his appointment  
4 replaced.

5 **MS. MOORER:** He did not ask to be reappointed. So  
6 until his successor is appointed, he is  
7 supposed to be here. There has been an  
8 application for that spot, it's just a matter  
9 of waiting for it to go through and we talked  
10 to people about it and we've chased up the  
11 chain of command to try to see what we can do  
12 to get the vacancies filled because I do have  
13 a concern that we've only had three members  
14 present at the last two meetings. And I want  
15 to be --

16 **MS. SIMPSON:** We talked to the people who can make it  
17 happen. We just have to wait.

18 **MS. DUKES:** Okay. And then to deal with -- I mean,  
19 I know, John has had different reasons for not  
20 coming but we make these schedule dates a long  
21 time ahead to --

22 **MR. SAXSON:** And you're here --

23 **MS. DUKES:** He's putting the -- yeah, it's my 50th  
24 birthday and I'm here.

25 **MS. MOORER:** Happy Birthday.

1 MS. SIMPSON: Have one of those brownies.

2 MS. DUKES: It would be nominees -- he's -- you know,  
3 those two are putting an awful burden of the  
4 remaining three of us. It would be nice if  
5 they could start --

6 MR. SAXSON: It would probably be good to go ahead  
7 and elect somebody.

8 MS. DUKES: I make a motion to elect Parks -- Parks  
9 McLeod as Chairman and Barrett Anderson as Vice  
10 Chair.

11 MR. ANDERSON: I would second that.

12 MR. CHAIRMAN: Any discussions?

13 MS. DUKES: You knew it was coming.

14 MR. ANDERSON: No, it's not a problem.

15 MR. CHAIRMAN: Any discussion? All in favor say aye.

16 (Ayes are heard)

17 MR. CHAIRMAN: It's unanimous. Thank you.

18 MR. ANDERSON: Your welcome.

19 MS. SIMPSON: Is this normally a one year term or is  
20 there --

21 MR. ANDERSON: I think it's a one meeting term.  
22 We'll vote again next meeting.

23 MS. DUKES: It's four meetings you've already done  
24 two as fill in.

25 MR. ANDERSON: That's right.

1 MS. MOORER: It's usually annual.

2 MR. CHAIRMAN: Just for curiosity, when is the next  
3 -- I'd be the next person to cycle off the  
4 Board correct?

5 MS. SIMPSON: Yes.

6 MS. MOORER: Yes.

7 MR. CHAIRMAN: Which would be in -- do you know?

8 MS. MOORER: June, 2012. June 30, 2012.

9 MR. CHAIRMAN: Okay.

10 PUBLIC COMMENTS

11 MR. SAXSON: We have no public to make comments, are  
12 there any Board member reports?

13 BOARD MEMBER REPORTS

14 MR. CHAIRMAN: No.

15 EXECUTIVE SESSION

16 MR. CHAIRMAN: Executive session I hope we will not  
17 be in again.

18 MR. SAXSON: Been there, done that, bought the T-  
19 shirt. No.

20 PUBLIC SESSION AND NOTICE OF NEXT MEETING

21 MR. CHAIRMAN: Public session, notice of next meeting  
22 is February 1, 2012, 10:00 a.m., Room 204, same  
23 building we're in now.

24 MS. SIMPSON: February what?

25 MS. MOORER: First

1 MR. CHAIRMAN: First.

2 MS. SIMPSON: You said 12, that was 2012. There you  
3 go.

4 MR. SAXSON: What was the room number?

5 MR. CHAIRMAN: Two twelve wasn't it? 204.

6 MR. SAXSON: 204, Got it.

7 MR. CHAIRMAN: The year was 2012.

8 MS. SIMPSON: Thank y'all for changing that date for  
9 me. I appreciate that.

10 MR. CHAIRMAN: Okay.

11 ADJOURNMENT

12 MR. CHAIRMAN: If there's no other business, do I  
13 have a motion to adjourn?

14 MS. DUKES: Make a motion to adjourn.

15 MR. ANDERSON: I second that motion.

16 MR. CHAIRMAN: All in favor?

17 (Ayes are heard)

18 MR. CHAIRMAN: Thank you for your time.

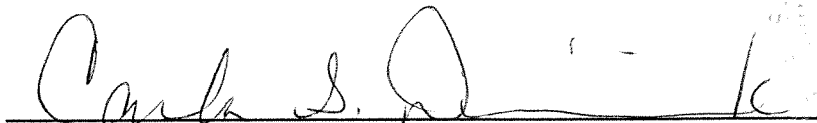
19 (The meeting concluded at 12:40 p.m.)  
20  
21  
22  
23  
24  
25

**CERTIFICATE**

This is to certify that the within Soil Advisory Meeting consisting of Eighty-Six (86) pages, is a true and correct transcript of the testimony given; said meeting was reported by the method of Stenomask with Backup.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal on November 15, 2011.

  
Carla S. Dominick  
Court Reporter

Notary Public for South Carolina  
My Commission Expires: 5/8/2012



Partnership Alliance  
**GREENWOOD**  
SOUTH CAROLINA • USA

109 Court Avenue West  
Greenwood, SC 29646  
Voice 864.388.1250  
Fax 864.388.1253

October 14, 2011

South Carolina Labor, Licensing, and Registration  
Board of Landscape Architects

Dear Board Members,

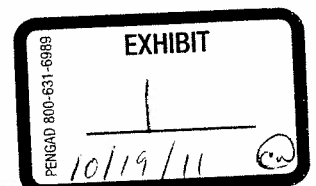
The Greenwood Partnership Alliance, the economic development organization representing Greenwood County, has used the services of Davis & Floyd over the past four years to perform a variety of services to forward economic development in the county. I am pleased to give them a positive reference for the support they have provided and will continue to use the firm in future efforts.

Yancey Robertson, Senior Landscape Architect, Davis & Floyd, has been a key resource for our office on several projects and I value his input.

Best regards,

Mark Warner  
Chief Executive Officer

MHW/mw







The City of  
**GREENWOOD**  
South Carolina

P.O. Box 40  
Greenwood, South Carolina 29648-0040  
[www.cityofgreenwoodsc.com](http://www.cityofgreenwoodsc.com)

October 13, 2011

South Carolina Department of Labor, Licensing, and Regulation  
Board of Architectural Examiners  
PO Box 11419  
Columbia, S.C. 29211-1419

Re: Certificate of Authority (COA) Davis and Floyd, Inc.

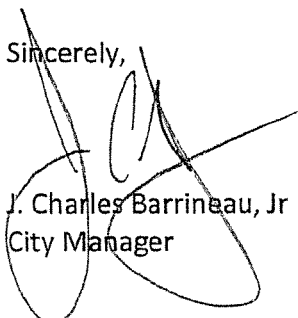
To Whom It May Concern:

I understand that Davis and Floyd, Inc. is appearing before the Board for the purpose of obtaining a Certificate of Authority (COA) for the firm to perform and advertise landscape architectural services. Davis and Floyd's staff registered landscape architect is Mr. Yancey Robertson. I would recommend them to you as a quality and reputable engineering and design firm. Mr. Robertson has done an exceptional job for the City of Greenwood.

Over the last decade, Davis and Floyd has provided engineering and construction management services on nine different projects for the City of Greenwood that have included parking lot design, streetscape enhancements, drainage improvements, roadway development and the installation of new sidewalks. We have worked directly with Mr. Robertson on a number of these projects. We have been very satisfied with Davis and Floyd's performance. They are very thorough from design to implementation.

I would be happy to answer any questions you may have about the work Davis and Floyd has done for us on these various projects. Feel free to contact me at (864) 942-8410.

Sincerely,



J. Charles Barrineau, Jr  
City Manager



# STV/Ralph Whitehead Associates

1000 West Morehead Street, Suite 200  
Charlotte, North Carolina 28208  
(704)372-1885 fax:(704)372-3393

October 18, 2011

South Carolina Department of Labor, Licensing and Regulation  
Synergy Business Park; Kingstree Building  
110 Centerview Drive  
Columbia, SC 29210

SUBJECT: Reference Letter for Yancey Robertson and Davis & Floyd, Inc. for the Purpose  
of Obtaining a Certification of Authority

Mr. Yancey Robertson, RLA  
Davis & Floyd, Inc.  
1319 Highway 72/221 East  
Greenwood, SC 29649

Dear Labor, Licensing and Regulation Board Members;

I have worked as a consultant for Duke Energy Carolinas, LLC as part of the Lake Services Team since August, 2008 providing professional engineering and project management services. During this time I have worked with Yancey Robertson and Davis & Floyd on twenty-two projects. The projects are in accordance with relicensing agreements with the Federal Energy Regulatory Committee (FERC) for access areas associated with Duke Energy's hydroelectric dams located on the Catawba-Wateree, Keowee-Toxaway, and Nantahala Area watersheds in the Carolinas.

During this time, Yancey Robertson and Davis & Floyd have provided exceptional professional services. I have been pleased with the level of detail and knowledge Yancey Robertson and Davis & Floyd have provided and look forward to continuing to work with them on future projects.

Sincerely,

STV/RALPH WHITEHEAD ASSOCIATES, INC.

Brian A. Couture, PE  
Project Design Engineer

cc: Yancey Robertson, RLA

South Carolina Department of Labor, Licensing and Regulation  
Board of Landscape Architectural Examiners

License Type  
Landscape Architect

License Number  
LSA . 768

YANCEY MCMILLAN ROBERTSON JR.

Effective Date  
03/24/2011

Expiration Date  
01/31/2013

