

MINUTES
SC Board of Landscape Architectural Examiners Board Meeting
Conference Call Meeting – May 6, 2020 at 10:00 a.m.
Synergy Business Park, Kingstree Building
110 Centerview Drive
Columbia, SC

Call to Order

Chairman McLeod called the meeting to order at 10:00 a.m.

Statement of Public Notice

Mr. McLeod stated that public notice of this meeting was properly posted on the Agency's website, and provided to all requesting persons, organizations and news media in accordance with Section 30-4-80 of the South Carolina Freedom of Information Act. In accordance with the Governor's directives regarding social distancing, the meeting is being held via teleconference. Members of the public who wish to attend may request telephone logon information at Contact.LSA@lir.sc.gov.

Introduction of Board Members and Others

Board members participating by conference call included: J. Parks McLeod, PLA, Chairman; Edward Kinney, PLA, Vice-Chairman; Laura G. Dukes, PLA; Barret Anderson, PLA; and Jean Catalano, Public Member.

Staff members participating by telephone conference call included: Hardwick Stuart, Esq., Office of Advice Counsel; Pam Dunkin, Administrator; and Sherri Moorer, Program Assistant.

Others participating by telephone conference call included: Nadine Garrett (Creel Court Reporting).

Board Chairman Remarks

Mr. McLeod thanked everybody for participating in the meeting by telephone conference call. The Board will have their August 5 meeting in person, if the social distancing restrictions due to COVID-19 are lifted. He reminded everybody to identify themselves before speaking for the court reporter.

Approval of Minutes

Mr. McLeod asked for proposed changes to the minutes of the February 12, 2020, meeting.

Mrs. Catalano asked about the Board member term updates and age exemption research that did not appear on today's agenda. Mr. McLeod said those items have been carried over to the August 5 meeting, since the focus of this meeting is on items impacted by COVID-19.

MOTION: To approve the minutes of the February 12, 2020, meeting.
Catalano/Anderson/approved.

Staff Report

Mrs. Dunkin gave the Administrative Report:

- Due to COVID-19, staff have been working remotely since March 18, 2020. Board operations have continued "as normal" during this time.
- Currently the Board has 658 individual landscape architects and 182 firms actively licensed.

- The Board had a cash balance of \$138,178.96 as of March 30, 2020.
- There are no cases in the Office of Investigation and Enforcement.
- There is no Investigative Review Committee Report.
- There is no report from the Office of Disciplinary Counsel.
- The House Regulations and Administrative Procedures Committee approved the proposed changes to the continuing education regulations on February 12, 2020. The 120-day review expiration date for automatic approval is May 13, 2020.
- The April 2020 LARE has been cancelled, due to COVID-19. Candidates can register for the extended testing window offered on August 1-22, 2020. Registration opens May 11.
- The CLARB Annual Meeting to be held at The Roosevelt in New York City on September 10-12, 2020, is currently on hold. Additional information will be distributed to Board members as soon as it becomes available.
- The next Board meeting is scheduled for August 5, 2020. Staff will look into holding this meeting by video conferencing if the COVID-19 restrictions are still in place.
- Mrs. Duncan said the New Board Member and Executives/Administrators Orientation on February 12-14, 2020, was informative. It was good to meet counterparts in other states, and to learn more about CLARB and how they help the state boards. She thanked the Board members for approving the travel to this meeting.

Board Member Reports

1. Mrs. Dukes asked of the SC Chapter of the American Society of Landscape Architects (SCASLA) Legislative Breakfast scheduled for April 23 was cancelled. Mr. McLeod said he did not hear any follow up from SCASLA on this event. It was probably cancelled, since all legislative meetings and events have been cancelled since early March.
2. Mrs. Dukes asked how LLR is handling remote working. Mrs. Duncan said it required adjustments that were made quickly, and staff continued work functions with no disruption. Mrs. Moorer said she participated in a CLARB Town Hall meeting on remote working in late February, and LLR adjusted well compared to counterparts in other states.

New Business

1. **Updates to 2021 Renewals and CE due to COVID-19.** Mrs. Dunkin asked the Board members to review the renewal applications. She would like Board feedback on the forms at the August 5 meeting. This feedback will be incorporated in the Department drafts for online and paper renewals due on January 31, 2021.

Mrs. Dunkin said LLR has extended the renewal deadline for three months for Boards with renewal deadlines on June 30, 2020. The big concern was continuing education. Providers have cancelled classes due to COVID-19, and it is uncertain if online courses will be sufficient to fulfill the requirement, even with the three-month extension to the deadline. LLR is continuing to monitor this situation.

Mr. Stuart said Governor McMaster has issued a number of executive orders related to COVID-19. Executive Order 2010-10, Item 3, allows Boards to waive regulations. Many Boards have decided not to lapse licenses due to a failure to obtain continuing education for this renewal period. The Agency will give guidelines on this, but Boards can make decisions to relax or waive requirements while in a State of Emergency. His concern is that the regulations that will go into effect on May 13 require that online courses must be “interactive.” While it seems that most online courses for landscape architects meet these criteria, he is concerned that licensees might not be able to meet the full 20 hours using only online courses.

Mrs. Dukes said many in-person continuing education events happen in the fall, so licensees will need plenty of notice to look for online courses if these events are cancelled due to COVID-19. There are sufficient online opportunities for continuing education available for landscape architects. The issue is whether they qualify as “interactive” or “self-directed.” We have a cap on “self-directed study,” that needs to be addressed if the Board decides to be more open on the method of obtaining hours for this renewal period. One concern is the relevancy of volunteer activities that licensees might claim from community service or club memberships.

Mr. McLeod said he sees no reason to extend the renewals or continuing education at this time. If many events are held in the fall, then many licensees should have hours from last fall to apply for this renewal, and there are sufficient online opportunities to complete the 20-hour requirement. Still, the majority of hours submitted for this renewal will probably be online courses, and the Board should be prepared to determine their relevance so they can issue guidance to licensees on what activities are appropriate for continuing education.

Mr. Kinney asked if it is possible to exercise more flexibility in the continuing education audit for 2021. The Board has the discretion to do that with the executive order; however, licensees should know that the Board is reviewing the situation. They will also need to be notified of the new regulations. A decision should be made today so all information regarding continuing education for the 2021 renewal can be communicated to licensees once the new regulations go into effect. Mr. Stuart said the regulation changes will be posted on the website once adopted, along with any decision the Board makes on continuing education for 2021 renewals.

Mr. Anderson said the Board should also consider an exit strategy for when we come out of the COVID-19 situation. They do not want to set a new precedent that develops an expectation amongst the licensees. The Board should clearly communicate that the actions taken on continuing education are temporary for the 2021 renewal period. Mr. McLeod and Mr. Kinney concurred with this.

Mrs. Dunkin said this could be considered a “hardship” situation to relax or excuse hours. There have been a few calls regarding limited continuing education opportunities. The Department will put a statement on the renewal notices, website, and in license renewal eblasts that the

changes to reviewing continuing education are only for COVID-19, and the regulations that pass on May 13 will apply in full thereafter.

MOTION: Based on the Governor’s executive order of March 17, 2020, the Board will allowed the structured education activities requirement to be done as self-directed study for the current renewal period ending January 31, 2021. Catalano/Dukes/approved

2. **Appoint Hearing Officer.** Mr. Stuart said one issue with working remotely is that disciplinary matters do not work well with remote hearings. He suggested that the Board designate a hearing officer, which is allowed in the Engine act. The hearing officer could be a Board or staff member designated to conduct the hearing, and present a recommendation to the Board. If they select a Board member, that member would need to recuse themselves from Board consideration on the recommendation. Mr. McLeod suggested taking the matter under advisement and putting it on the August 5, 2020, agenda.

Notice of Next Meeting

Mr. McLeod said the next meeting of the SC Board of Landscape Architectural Examiners will be held on August 5, 2020, at 10 a.m. This will be an “in person” meeting, if possible.

There being no further business:

MOTION: To adjourn. Anderson/Dukes/approved.

The meeting adjourned at 11:09 a.m.

Respectfully Submitted,

Sherri Moorner

Sherri Moorner, Program Assistant