

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND
REGULATION BEFORE THE LANDSCAPE ARCHITECTURAL
EXAMINERS BOARD

(COPY)

BOARD MEETING

Wednesday, May 2, 2012
1:00 p.m. - 3:05 p.m.

The South Carolina Landscape Architectural
Examiners Board meeting was taken at the Synergy
Office Park, Kingstree Building, Room 108, 110
Centerview Drive, Columbia, South Carolina, on the
2nd day of May, 2012 before Reba C. Hayes, Court
Reporter and Notary Public in and for the State of
South Carolina.

APPEARANCES:

BOARD MEMBERS:

Parks McLeod, Chairman
John A. Tarkany
Laura Gaynor Dukes

ADVISING THE BOARD:

Sheridan Spoon, Esquire

Also Present:

Jan Simpson, Administrator
Sherri Moorer, Program Assistant

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EXHIBITS

(No exhibits were marked during the hearing.)

STIPULATIONS

It is stipulated and agreed that this hearing is being taken pursuant to the Administrative Procedures Act, the Practice Act and Regulations of the Board.

BOARD MEETING

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CALL TO ORDER:

MR. CHAIRMAN: Call to order the May 2nd, 2012 meeting of the South Carolina Board of Landscape Architect Examiners.

STATEMENT OF PUBLIC NOTICE:

MR. CHAIRMAN: Public notice of this meeting was properly posted at the South Carolina Board of Landscape Architectural Examiners office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

INTRODUCTION OF BOARD MEMBERS:

MR. CHAIRMAN: At this time I'll have everyone introduce themselves. I'm Parks McLeod, Board member.

MS. DUKES: Laura Dukes, Board member.

MR. TARKANY: John Tarkany, Board member.

MR. SPOON: Sheridan Spoon, advice attorney, filling in for Mr. Saxon.

MS. MOORER: Sherri Moorer, program assistant.

MS. SIMPSON: Jan Simpson, administrator.

MR. CHAIRMAN: Thank you.

APPROVAL OF FEBRUARY 1, 2012 MEETING MINUTES:

BOARD MEETING

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1 **MR. CHAIRMAN:** You should have received the February
2 1st, 2012 minutes.

3 **MS. DUKES:** I make a motion to approve those meeting
4 minutes.

5 **MR. CHAIRMAN:** There's a motion. Second?

6 **MR. TARKANY:** Second.

7 **MR. CHAIRMAN:** All in favor?

8 (Ayes are heard)

9 **MR. CHAIRMAN:** Opposed?

10 (None are heard.)

11 **MR. CHAIRMAN:** The ayes have it.

12 **APPROVAL OF AGENDA:**

13 **MR. CHAIRMAN:** Any revisions to the agenda that's in
14 front of you? Being none we'll move forward to
15 the application hearing. That was delayed.

16 **MS. MOORER:** Canceled. He withdrew his application
17 so it was canceled.

18 **MR. CHAIRMAN:** Very good.

19 **INCIDENTAL PRACTICE:**

20 **MR. CHAIRMAN:** New business, incidental practices.

21 **MS. SIMPSON:** Can I jump in real quick?

22 **MS. MOORER:** Sure.

23 **MR. CHAIRMAN:** Sure.

24 **MS. SIMPSON:** This is for your consideration. A
25 board member from Charleston -- a board member

1 for the Board of Architecture named Steve
2 Russell, has taken it upon himself to see if he
3 could define incidental practice, because
4 nobody knows what it is. No state has a
5 definition of it. You know, how much is it?
6 Where is the line? Everybody says well, I
7 don't know but you'll know it when you see it.
8 And so he has decided he will attempt to come
9 up with a way to quantify by percentages how
10 much incidental practice is. What does it
11 represent in terms of a percentage of an entire
12 project? He drafted it, he ran it by the Board
13 of Architecture twice, I believe. First they
14 had revisions and came back with it. Then he
15 sent it to Gary Wiggins, who is the
16 administrator for the Building Codes Council
17 and I believe this would benefit that group
18 more than anybody, the building code officials.
19 Gary thought it was a great idea so then Mr.
20 Russell came before the Board of Engineers and
21 Surveyors. They were not as receptive as he
22 had hoped. They saw it as a potential erosion
23 of engineering responsibility and scope, which
24 was not intended at all, but that was their
25 perception. So they are taking it to various

1 groups to get feedback, just to kind of vet the
2 issue. One of the board members -- the South
3 Carolina board -- is the upcoming president of
4 NCEES so at this point right now, he is making
5 committee assignments so he put this as a
6 charge to look at it for one of the NCEES
7 committees. They were also going to bring it
8 up a week or two ago at a zone meeting for
9 engineers, southern zone, in the engineers
10 forum and I haven't had any feedback on that,
11 on how well it was received or what comments
12 they may have gotten from that. But so it's
13 kind of out there. We asked Mr. Russell if he
14 would like to come today and he said he felt
15 uncomfortable even proposing to you what might
16 be considered incidental. He thought that's
17 where y'all come in and just asked that you
18 consider it or consider a counter proposal or
19 a proposal or feedback that says forget it or
20 yeah, let's work on it or whatever. So on his
21 behalf I bring it to you. What we have also --
22 I'm not sure if they have this but it's the
23 same thing.

24 **MS. MOORER:** I'm not sure.

25 **MS. SIMPSON:** This is an email --

1 **MS. MOORER:** The actual draft that they got.

2 **MS. SIMPSON:** It is?

3 **MS. MOORER:** I don't think it is.

4 **MS. SIMPSON:** No. Okay. This is from an email back
5 in November that Mr. Russell sent Gary Wiggins
6 and the only difference is that he set out an
7 actual schedule for architecture, so that if an
8 engineer is doing it the architect would be
9 limited to five percent of the total
10 construction cost. Structural engineering
11 would be limited to two percent of the total
12 cost of construction. Mechanical, electrical
13 and plumbing were each one percent of the total
14 cost. Some of the questions raised at the
15 Board of Engineers was how do you determine
16 total construction cost. Mr. Russell said that
17 is -- and y'all would know this better than I
18 -- that that is a number you have to give for
19 a building permit or a construction permit. My
20 question to him to start with was how do you
21 know everybody's counting it the same way. How
22 do you come up with a number for an entire
23 project? Say it's ground up. Say it's --
24 well, and it would be -- I'm sorry. I always
25 go to the larger projects. This is only for

1 incidental so it's going to be a teeny, tiny
2 part of whatever that project is. So if you
3 said, you know, all right, let's talk about a
4 hospital. They're going to have the engineers
5 anyway, so there's not going to be any
6 incidental work on a hospital. So in terms of
7 maybe civil engineers crossing over into
8 landscape architecture territory, would you say
9 that's an option for the possibility of
10 incidental practice? And of course the same in
11 the reverse with y'all doing what might be
12 called civil engineering.

13 **MR. CHAIRMAN:** But there is a blend between the two,
14 because both practices are --

15 **MS. SIMPSON:** An overlap?

16 **MR. CHAIRMAN:** -- are licensed to do both. We can
17 do -- obviously they do drainage plans,
18 stormwater. We can do the same so that's not
19 --

20 **MS. SIMPSON:** That's not incidental.

21 **MR. CHAIRMAN:** -- that's not incidental. That's
22 just an overlap.

23 **MS. SIMPSON:** Are there activities that you could
24 define outside of that overlap that would be
25 considered incidental? Say if you had three

1 circles, civil engineering, landscape and those
2 two overlapped in the middle. We've got your
3 overlap here. Is there anything outside of
4 that piece in the middle?

5 **MS. DUKES:** Well, potentially if they were doing a
6 landscape compliance plan for a very small site
7 that maybe only requires two trees and five
8 shrubs or something like that. But I don't
9 know that you can put a -- I don't think the
10 percentage thing is going to work of
11 construction cost for our applications.

12 **MR. CHAIRMAN:** But then it would have to be for site
13 cost. It couldn't be for building cost.

14 **MS. DUKES:** Still there again you're looking at --
15 if you're looking at an acre parking lot --

16 **MR. CHAIRMAN:** If you've got 50,000 yards of dirt to
17 move to get that site up.

18 **MS. DUKES:** Yeah.

19 **MR. CHAIRMAN:** Yeah.

20 **MR. TARKANY:** I had a project, a real small fire
21 station I worked on, where we had a swale and
22 then the civil engineer, he designed the actual
23 drainage swale, the pipes and stuff, and then
24 we had a little wash-out where it eroded. I
25 mean, I didn't know that -- we overlapped work.

1 Who's --

2 **MS. DUKES:** Who's in charge? Yeah. Who's liable?

3 **MR. TARKANY:** Is it my planting design that was
4 supposed to solve it or was it his grading and
5 drainage and civil stabilization design where
6 he showed his erosion control fabric and rip
7 rap, you know, to solve it? And then it ended
8 up being -- it ended up paying extra to have
9 them put some -- take remedial action, but I
10 don't know if that really is skirting around it
11 or part of it. It's a small -- it was \$200 to
12 fix it.

13 **MS. DUKES:** I don't think you can do for ours
14 percent of construction cost. You might could
15 do percent of project scope, but then that's
16 not as definitive. Somebody's kind of looking
17 at overall total. It's still one of those kind
18 of looking around at this drawing, that
19 drawing, trying to --

20 **MS. SIMPSON:** How would you --

21 **MR. CHAIRMAN:** By percentage of the scope are you
22 saying that grading is 35% of the project scope
23 and -- is that what you mean?

24 **MS. DUKES:** Depending on the project. I mean, not -
25 - not like grading would not always be set at

1 35%.

2 **MR. CHAIRMAN:** No, I'm just saying that's how you
3 break it down?

4 **MS. DUKES:** Yeah.

5 **MR. CHAIRMAN:** Grading would be one, utilities would
6 be one maybe?

7 **MS. DUKES:** Yeah.

8 **MR. CHAIRMAN:** The compliance or overall landscape.
9 Or it could be because it's just not a
10 compliance. You could do the whole --

11 **MR. TARKANY:** But who would decide how much?

12 **MS. MOORER:** Well, we didn't know how much of an
13 issue this was with the Landscape Architects.

14 **MR. CHAIRMAN:** I've never heard of the issue.

15 **MS. DUKES:** It's going to be more -- I guess what
16 you're -- where you're -- where I can see the
17 application is, like, some cases that have come
18 to us before where an architectural firm did a
19 streetscape project or something, and there was
20 no building at all on there so it was more that
21 they were doing work that was not incidental to
22 their practice, you know, as far as -- and --
23 well, I guess it could come. We did have a
24 case -- not necessarily a case but an issue
25 brought to us where a landscape architect in

1 Rock Hill was doing subdivision design and the
2 engineers were questioning, you know, is that
3 -- is that truly landscape architecture or is
4 that incidental to his overall project. I
5 think a definition is good. I haven't had the
6 opportunity to read this and see what revisions
7 it would need. So this is something he would
8 want us to adopt into our law?

9 **MS. SIMPSON:** No, just think about it. I mean, it
10 may not be anything you want to mess with at
11 all. It may be something that is really not
12 relevant.

13 **MR. CHAIRMAN:** But if we liked it what's our -- what
14 are our choices to do with it? Do we adopt it
15 into our policy?

16 **MS. SIMPSON:** It would be creating an
17 interpretation, not a policy; right? And I'm
18 not even sure.

19 **MR. SPOON:** The way that you would see this -- this
20 is kind of interesting and I don't know how
21 much -- I don't know if it's exactly the same
22 thing as the other two boards. This is what
23 I'm going to say and I think this is right.
24 You'll have to tell me. But the only time
25 you'd see this, we're talking about someone who

1 is not licensed as a landscape architect and
2 you're taking the position, based on a
3 complaint, based on information that is
4 received, that someone who is not a licensed
5 landscape architect and who is instead a
6 licensed architect, engineer or surveyor, is
7 performing work in the scope of landscape
8 architecture that is beyond incidental. Your
9 practice act says they can do incidental work.
10 So you have to get information that would lead
11 you to believe hey, that's way beyond incident,
12 that's beyond incidental. What would you do?
13 You can't bring that person in before this
14 Board for a hearing because they don't have a
15 license. You can send them an order to cease
16 and desist saying just what I said, cease and
17 desist. And you would lay out all the -- you
18 know, you put your reasons and your rationale
19 in there. And in most cases when someone
20 receives a cease and desist, they provide --
21 they -- either if they think they're doing it,
22 they stop. If they don't think they're doing
23 it, it becomes notice to them that they
24 shouldn't do it. If they persist in doing it,
25 what would happen is then the agency on your

1 behalf would go to the Administrative Law Court
2 and get an injunction, seek an injunction.
3 This is all laid out in the engine in the
4 Administrative Procedures Act, if you go before
5 an Administrative Law Judge and say this
6 person, this engineer is doing work that is
7 beyond incidental to landscape architecture and
8 we're seeking to enjoin them. So I'm not sure
9 whether this would ever come before you to
10 apply in a given case.

11 **MR. CHAIRMAN:** So the same scenario can apply for
12 architects, engineers and surveyors if they
13 adopt this incidental definition. The
14 Architecture Board can't bring a landscape
15 architect in for doing architecture that is not
16 incidental. There's no --

17 **MR. SPOON:** Cease and desist.

18 **MR. CHAIRMAN:** Send a letter.

19 **MR. SPOON:** Where this shows up in your practice act
20 is under the exemptions, persons exempt from
21 licensure, 210. And it says architects can do
22 architecture, engineers can do engineering, and
23 surveyors can do surveying when this work is
24 incidental to their practice. In other words
25 they're doing some things that are within your

1 scope as it's defined in your practice act.
2 They're doing some things but they can do that.
3 They don't need a landscape architect license
4 to do it because it's incidental. That's where
5 that's located.

6 **MS. SIMPSON:** Where I get involved in incidental is
7 mostly in the architect/engineer arena. When
8 a building official calls me, says I got a set
9 of plans here. Everything is sealed by the
10 engineer or everything's sealed by the
11 architect. Can I take them? You're asking me?
12 They've had an incidental policy since 1962
13 between the architects and the engineers so it
14 basically says if you do a little bit, each of
15 you, we agree to that. I mean, it's very vague
16 and not instructive at all to the building
17 officials. So I'm not sure it's a problem that
18 needs a solution. I think it is inherent in
19 the overlap that is among all of these
20 professions and I'm not sure its quantifiable
21 in every instance.

22 **MR. SPOON:** The other thing is in cases like this, I
23 don't know if you were talking about the South
24 Carolina boards, Jan, having --

25 **MS. SIMPSON:** The policies?

1 **MR. SPOON:** -- a position since the '60s?

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

3 **MR. SPOON:** Yeah. And I haven't really dealt with
4 those boards a whole lot and I know that --
5 because I know they would have heard what I'm
6 about to say before, but if it has been an
7 issue for them either since the '60s or even
8 since, like, 2007, whatever the case may be,
9 however long, the real solution is to go in and
10 do it by regulation or by statute and alter
11 that so that becomes enforceable for any board,
12 whether it be this board or these other two
13 boards. If they have this one percent
14 guideline, they would be -- they would be hard
15 pressed to enforce that against a licensee if
16 it's merely policy. And the same would be true
17 for you all as far as enforcing. It certainly
18 -- and I don't know how often it comes up for
19 you as a board, maybe more often than the other
20 boards.

21 **MR. CHAIRMAN:** I was going to say do you know? Does
22 it come up often or has it come up often in the
23 other boards?

24 **MS. MOORER:** It has not come up often with our
25 board. As a matter of fact I have found that

1 most large engineering firms especially usually
2 hire at least one or two landscape architects
3 on staff. Even though the landscape
4 architectural work is incidental to huge
5 engineering projects and they could seal it,
6 they still hire a landscape architect to help
7 them with that aspect of the work.

8 **MR. CHAIRMAN:** They don't want to do it.

9 **MS. MOORER:** So they're covered.

10 **MS. SIMPSON:** Is it more of an overlap with civil
11 engineering or with surveyors?

12 **MR. CHAIRMAN:** From our end of it?

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

14 **MS. DUKES:** Civil.

15 **MR. CHAIRMAN:** Civil. But I would say if you had to
16 say is it more of an overlap between civil and
17 architects, I would probably say architects.

18 **MR. TARKANY:** Or at least even.

19 **MR. CHAIRMAN:** It's a case by case and firm by firm
20 basis. Some civils they don't want to touch it
21 and other ones say well, yeah, we can do that.
22 Same with architects.

23 **MR. TARKANY:** Yeah. Architects think they can do
24 everything.

25 **MR. CHAIRMAN:** How would this stand up if challenged

1 legally?

2 **MR. SPOON:** It wouldn't.

3 **MR. CHAIRMAN:** It wouldn't?

4 **MR. SPOON:** A policy doesn't. A statute or a
5 regulation does. If somebody came in with an
6 issue, it wouldn't matter which board, if there
7 was a policy that said one percent is the
8 guideline and all the person would really have
9 to do is say well, I've got -- and let's say we
10 thought that they were beyond incidental
11 because by our calculation it was two and a
12 half percent. All they really have to do is
13 say show me that in writing. And it's actually
14 not there and it's not enforceable. It can be
15 helpful to licensees. I would never say that
16 it's not helpful and a lot of times you get
17 questions like this from licensees, sometimes
18 very often. And so it can be helpful to them
19 in terms of what is the safe rule of thumb for
20 your practice to kind of stay above the line
21 and stay in the same zone as far as -- but it's
22 not something that you can turn around and
23 discipline somebody for two and a half percent.

24 **MR. CHAIRMAN:** I think from that aspect it would be
25 nice to have so that if Sherri gets a call, she

1 can say well, according what we have it's a
2 percentage. Whether it's quantifiable, I don't
3 --

4 **MS. MOORER:** That's basically all it would really be
5 good for, is if somebody called and said what's
6 the Board's opinion on incidental practice. It
7 would give staff a guideline as to well, we
8 talked about it and they said one percent of
9 overall construction cost or whatever you
10 determine it to be, but if it's not enforceable
11 by law, I'm not really sure if it's worth --
12 we're really not supposed to have policies
13 anyway, so I'm really not sure if it's worth
14 it. We were asked to consider this, but if
15 it's not a big issue.

16 **MR. SPOON:** The answer that anybody would give,
17 myself included, would be I have no answer
18 because there's nothing in the Board's practice
19 act or regulations about that addresses that.
20 It is silent on that. You know, could that
21 person look at the Board's minutes and say has
22 this ever been discussed, have they ever done
23 anything with it, have they ever thought about
24 it, yes. That's public information but the
25 answer that I give is it may be something that

1 should be in there or could be in that practice
2 act, but it's not. And so it's hard to give
3 them -- because the problem with that is they
4 go out and then somewhere down the road the
5 facts change or someone files a complaint and
6 the worst-case scenario is the person to come
7 in in the hearing before the Board and say
8 well, no, I did this because the attorney told
9 me it was okay based on the Board's -- or the
10 staff told me it was okay. That's a problem
11 you just don't want to have.

12 **MR. CHAIRMAN:** Since we're not having or have not
13 had recently issues pertaining to this, I guess
14 for the Board's consideration do we want to
15 respond back to the gentleman who submitted it
16 and say thank you for the information but we're
17 going to table it, keep it on file? If it ever
18 becomes an issue we will then revisit it and
19 make the decision. I don't know that we need
20 to make a decision on the percentages or
21 anything based on something we don't know is
22 happening or is a problem.

23 **MS. SIMPSON:** You don't.

24 **MR. CHAIRMAN:** But it would be nice to have it
25 somewhere in the file that we can go back to.

1 **MS. SIMPSON:** I think he and the Board wanted to be
2 inclusive and landscape architecture is
3 definitely in that group that would be affected
4 by anything like this. I think he's just
5 trying to help solve a problem that he runs
6 into. I mean, Sherri, you may not but
7 architects and engineers all the time are
8 talking about incidental. So it may be that
9 any kind of quantification that they do would
10 pertain only to those kinds of projects and as
11 I said, the Engineers and Surveyors Board was
12 not real receptive. They were willing to look
13 at it and study it and come back but, you know,
14 I think everybody is sensitive to the
15 possibility of their responsibilities being
16 eroded or their turf being encroached upon or
17 whatever. That's not the intent but I can see
18 where it could be a perception.

19 **MR. CHAIRMAN:** So even if that's the case, there's
20 really no teeth behind this to do anything
21 unless you take it to the level that you want
22 to -- that you referred to.

23 **MR. SPOON:** That's right.

24 **MR. CHAIRMAN:** Thoughts from the Board? Actions to
25 take?

1 **MS. DUKES:** If you want to write a thank-you note or
2 something.

3 **MR. TARKANY:** Stay informed on what they do.

4 **MS. SIMPSON:** We could just say the Board considered
5 it and appreciated the option of discussing it,
6 and don't have a dog in the fight.

7 **MR. CHAIRMAN:** We will keep it on record and would
8 like to be kept informed for future --

9 **MS. SIMPSON:** Interested in future developments.

10 **MR. CHAIRMAN:** -- future development and if the
11 times comes up at a later point that we need
12 it, then we will revisit it at that time.

13 **MS. SIMPSON:** Thank you.

14 **MR. CHAIRMAN:** Thank you.

15 **FOREIGN APPLICANTS:**

16 **MR. CHAIRMAN:** Next foreign applications. Sherri?

17 **MS. MOORER:** This is an issue we discussed at the
18 CLARB spring meeting. There's a little bit of
19 overlap with that report, but there is an
20 increased interest in -- basically landscape
21 architecture is growing worldwide and
22 especially, I think, China is the number one
23 country where there are really steps to try to
24 get more people in the field and get licensure
25 programs and to establish standards for

1 licensing landscape architects. And CLARB is
2 doing a study on global relevance and is
3 interested in us considering how we would
4 review a foreign applicant. Say if somebody --
5 if China were to start licensing landscape
6 architects, if CLARB were to start giving the
7 exam overseas, which they are considering, what
8 other things would we need to consider for
9 applicants coming from foreign countries here
10 if they wanted to do work in the United States?
11 Now, since licensure is state by state this is
12 something that every -- they are asking every
13 state to look at. But I think that it's a very
14 interesting issue because the engineers are
15 also addressing this issue. And I have to say
16 I congratulate CLARB on doing this research
17 early, because I don't want to talk bad about
18 NCEES but they just started giving the exam
19 nationally and now we've got engineers applying
20 in the United States from foreign countries and
21 nobody knows what to do with their applications
22 because of equivalency issues with education
23 and experience. CLARB is being proactive since
24 the computer -- the exam is going to be
25 computerized in September, 2012. They are

1 interested in offering the exam in other
2 countries. But we still need to consider other
3 facts. Just because somebody passes the exam
4 doesn't qualify them for licensure. We also
5 have education and experience requirements.
6 Those are not equal across all countries and
7 then there are other issues such as
8 accreditation programs for degree programs.
9 How are we going to establish equivalency for
10 education standards? How are we going to
11 review experience? Let's say if somebody were
12 licensed in China and they had, you know, a
13 degree and years of experience. How would we
14 review them? Would we review them based on our
15 standards? Would we accept qualifications
16 gained overseas? And they want to start doing
17 research to find out how can we help this
18 profession grow globally and make it easier for
19 people to move back and forth, but still have
20 good standards that ensure people moving from
21 one country to another are qualified to work in
22 both countries. And I know Mr. Tarkany has
23 done some work in China. It's very -- from
24 what I heard at the CLARB meeting, it's very
25 different but it's growing and there is

1 increased interest from the international
2 community. So they just want us to consider --
3 let's say CLARB does start giving the LARE in
4 foreign countries. That takes care of the exam
5 requirement. We know that it will be
6 substantially equivalent and we can accept
7 that. What other things would we need to
8 consider if these people wanted to come and
9 work in the State of South Carolina? What
10 would they need to do? Would we need to change
11 our laws to allow them to do it? Does our
12 current law allow it? How would we interpret
13 that? And I think they're just trying to get
14 some information to find out what other issues
15 besides the exam do we need to consider in
16 helping landscape architecture grow worldwide.

17 **MR. TARKANY:** If I could add one more thing. We're
18 having a board meeting this weekend in D.C. on
19 this subject and I'm on one of the committees
20 required to -- we had a conference call when we
21 were doing these -- going through these steps.
22 You'll see there's a three-step process in here
23 that they talked about and we're on step -- I
24 mentioned to them that we were going to have
25 our Board meeting today right before the

1 weekend when we discuss this and I suggested to
2 them that since this is where the rubber meets
3 the road, how about we have a taste test. Kind
4 of have CLARB South Carolina Board be the one
5 board to have some input on the subject. The
6 timing just seemed to be good, so I asked
7 Sherri if we could add it to the agenda and she
8 was at the spring meeting and heard the
9 background on it. So it was great. So what
10 they would like to do is see if from our
11 standpoint if we had any -- not even beyond
12 reciprocity. What role -- they're searching
13 for how proactive or reactive or neutral CLARB
14 should be. There's a growing globalization of
15 every profession and we're going to see it
16 become more so. Should we stay out ahead of
17 it, be reactive, stand back and let things
18 happen or should we take a measured -- should
19 CLARB -- can CLARB help provide some
20 standardization for how all the boards handle
21 it? And so they wanted to find out if we had
22 any, like, concerns, worries, suggestions. Is
23 it something you think is important to do? So
24 it's more big picture than -- I mean, Sherri
25 saved me some time. I haven't siloed down into

1 the detail. You covered that beautifully but
2 basically it's -- they'd like me to come back
3 and see if there is any kind of initial
4 reaction from us as a Board on whether they
5 should be out ahead of the curve and have a
6 strategy for China. If they had -- if they
7 licensed all of their landscape architects,
8 they would have more landscape architects than
9 the United States day one. They would have
10 something like 30,000 landscape architects or
11 something like that.

12 **MR. CHAIRMAN:** Presently if you had someone with an
13 accredited degree from Australia, had two years
14 experience, met their exam, did a one-year
15 mentorship, they came over here, our law would
16 not allow them to practice as a landscape
17 architect; is that correct?

18 **MS. MOORER:** I think that's a good question.

19 **MS. DUKES:** Well, I mean, they could apply for
20 licensure, but I think we would treat an
21 international candidate the same as someone who
22 has a degree from a non-accredited program or
23 who has a horticulture degree and 10 or 20, you
24 know, years experience. We review those, you
25 know, as a case by case, like some that we had

1 recently. So I think you do the same thing,
2 you know, with an international. You treat
3 them the same as someone who's applying for
4 licensure that doesn't meet the real defined
5 things. As far as the whole overall --

6 **MS. MOORER:** What we discussed, Mr. Spoon and I
7 discussed that yesterday actually. We were
8 looking at our current law and noticed there's
9 a mechanism by which they could get licensed
10 and I think the thing that we need to consider
11 is if we had an influx, would that work. I
12 certainly just based on my experiences between
13 this Board and with the engineers which I've
14 started working on in the past year, I would
15 not recommend being reactive because that's
16 what's happened with the engineering board and
17 we have a number of candidates just sitting in
18 limbo right now not knowing --

19 **MR. CHAIRMAN:** That would be my question, is there a
20 tool or can we put something in place that
21 would allow that applicant to just go through
22 the process and be accepted without having to
23 be on a case by case basis?

24 **MS. DUKES:** I think what we could ask CLARB to do,
25 and whether or not CLARB is the appropriate

1 organization or IFLA, which is International
2 Federation of Landscape Architects, their
3 involvement in it. But if there are, you know,
4 if we see that there's a lot of -- I mean, just
5 like Australia. I mean, they've had landscape
6 architects, you know, for quite some time and
7 have joint programs with a lot of ours, but our
8 focus for them, and maybe they're doing this,
9 would be to focus on programs, school programs
10 in different countries, be it China or
11 Australia, that we know already have a decent
12 program and if CLARB could come up with
13 although Melbourne Technical Institute or
14 whatever is not an accredited U.S. program, it
15 is very comparable to an accredited and some
16 things like that in China, you know, whatever
17 those type things might be. Experience, I
18 think, is easy to apply. I mean, I think if
19 we've got the two-year experience requirement
20 here in South Carolina under our licensed
21 landscape architect in the United States, I
22 think that you'd have to look at what that
23 country, China or Australia, defines as
24 landscape architecture and if it's comparable
25 and they've been working under a professional

1 there, then you accept that as well.

2 **MS. SIMPSON:** That's the sticking point with the
3 engineers, because some states will accept
4 foreign work experience regardless of the
5 supervision. Some states won't. It says -- or
6 some states including South Carolina say that
7 the supervisor has to be registered in some
8 jurisdiction of the United States. So if their
9 supervision is a German engineer, they're going
10 to have to do four more years somewhere under
11 a U.S. -- it can be in a foreign country, it's
12 just the person has to be U.S.-licensed.

13 **MS. DUKES:** What I think we would do though, unless
14 there's this huge influx, just like a recent
15 candidate that came to us. She had worked, I
16 think it was in Italy or whatever and, you
17 know, we looked at the product of what she'd
18 been doing and decided whether to apply those
19 --

20 **MR. CHAIRMAN:** I don't think that to take either
21 IFLA or CLARB -- I think eventually we would
22 look back to them to be somewhat of a
23 clearinghouse to vet them and see if we need to
24 -- you know, yes, they meet your qualifications
25 or they met our qualifications. Now then do

1 they meet yours? And --

2 **MS. SIMPSON:** Or an equivalency.

3 **MR. CHAIRMAN:** Yes.

4 **MS. DUKES:** As it becomes an issue we would like
5 CLARB to be proactive and assist us with the
6 clearinghouse of education and experience.

7 **MR. CHAIRMAN:** Does CLARB have a relationship with -
8 -

9 **MR. TARKANY:** IFLA? Yes, in fact, IFLA's going to
10 be there this weekend.

11 **MR. CHAIRMAN:** I mean, to me that -- from where I
12 sit that would be a good blend of the two.

13 **MR. TARKANY:** The president of IFLA is from Mexico
14 and she's going to be there this weekend and we
15 met her at another board meeting in Mexico.
16 There's an issue with -- their education and
17 training systems are different than ours, where
18 they -- they're a landscape architect when they
19 graduate from school. They don't take a test.
20 And you have to have an architectural degree
21 first and you get a masters. There's no
22 undergrad, no accredited schools in Mexico, but
23 there's going to be one, so there's changes.
24 There's changes happening globally and so we
25 want to stay out ahead of the curve.

1 **MR. CHAIRMAN:** What does California, Arizona, New
2 Mexico, Texas, what are they doing for any of
3 the landscape architects from Mexico that come
4 and say I'm a licensed landscape architect in
5 Mexico?

6 **MR. TARKANY:** Some of them grant them reciprocity.
7 I'm not sure how their laws are.

8 **MS. SIMPSON:** Do they make them take the exam?

9 **MR. TARKANY:** Make them take the exam.

10 **MS. MOORER:** Now, we couldn't do reciprocity because
11 our law does specifically say it has -- for
12 reciprocity it has to be in the United States,
13 state, district, territory or possession but we
14 have the other requirements. If they're board
15 certified we can accept them. If they have a
16 non-accredited degree and five years of
17 experience and pass the exam, we determine
18 that, you know, the experience is transferable
19 because there's nothing in our law that says
20 the experience has to be inside the United
21 States. So we've got some latitude in our law
22 where we could accept them potentially and not
23 have to change our law to consider them. But
24 I think it would still be good to have some
25 guidance from CLARB as far as, you know, if

1 they're going to come through the CLARB
2 certification method, obviously CLARB's going
3 to need some sort of standards to determine how
4 to certify them. The state would need to know
5 what those standards were so we could accept
6 them.

7 **MR. CHAIRMAN:** Do you think the west coast would be
8 able to shed more light on that than us, simply
9 because of --

10 **MR. TARKANY:** Also there's something to do with the
11 NAFTA treaty with Canada, Mexico and the U.S.
12 There's some kind of law in there that's
13 supposed to facilitate cross-border trade
14 services.

15 **MR. CHAIRMAN:** I know that the architects, if you --
16 from AIA and whatever the Canadian equivalent
17 is, I think those are -- they transfer back and
18 forth, I believe.

19 **MR. TARKANY:** Pretty well. Canada's --

20 **MS. SIMPSON:** Canada has reduced requirements
21 recently in architecture and engineering,
22 reduced and changed, and so that's calling into
23 question whether the United States
24 jurisdictions will continue to accept them kind
25 of carte blanche. They have reduced their

1 training requirement from -- for architects
2 from three years to two years. They've stopped
3 using the ARE which is the exam for architects.
4 They're using their own and it was because a
5 boom in construction and just building in
6 general identified a shortage, and so the
7 government stepped in and said fast track them.
8 So they are getting licensed a little more
9 quickly.

10 **MS. DUKES:** I guess relative to that and I'm not
11 sure how we're doing it right now, but as far
12 as CLARB certification, I know we accept that
13 but I'm not sure that we accept it as equality.
14 I mean, I think we still look at in their CLARB
15 certificate do they still meet our
16 requirements.

17 **MS. MOORER:** I do look for that.

18 **MS. DUKES:** Okay. Because there's some that do and
19 some that don't.

20 **MS. MOORER:** I do look for that. Now, they seem to
21 be reviewing them more stringently though,
22 because anybody that establishes a CLARB record
23 now is automatically reviewed for
24 certification. Since CLARB started doing that
25 I have been looking even closer at those

1 records. We haven't had any issues to date
2 with that.

3 **MS. DUKES:** The only reason I bring that up, I was
4 afraid that if our law did accept that as
5 equal, is that, you know, at times CLARB
6 changes their requirements for certification so
7 --

8 **MS. MOORER:** And that's why I say I would like to
9 see CLARB take some action too in kind of
10 leading and guiding us, because if they're
11 going to consider certifying people
12 internationally then we need to know what their
13 standards are so we can ensure that they still
14 --

15 **MR. TARKANY:** It's a yin and yang kind of thing.

16 **MS. MOORER:** Yeah. We need to know that.

17 **MR. TARKANY:** And what we're thinking was it's like
18 they didn't want to work in a vacuum without
19 having boards give some feedback. Either, you
20 know, they can come up with something and maybe
21 we get it and, like, this doesn't work. So
22 this is their idea of trying to get a little
23 back and forth between the boards and the --
24 left and right, however you want to say it.
25 Also there's a couple of things that they're

1 thinking of considering. There's one to create
2 a standard, a global standard for what a
3 landscape architect is so other countries can
4 see that and understand it. And the other one
5 is to actually provide services, providing
6 possibly the testing in other countries so
7 those are a couple of things they're
8 considering, and I actually see that as a
9 revenue producer.

10 **MR. CHAIRMAN:** I think we would encourage -- support
11 that.

12 **MS. DUKES:** Yeah.

13 **MR. TARKANY:** So if they pass our test in China, you
14 know, that takes a lot. If they met minimum
15 competency --

16 **MS. DUKES:** What did you have to do to practice over
17 there?

18 **MR. TARKANY:** Just pull up and get my -- start my
19 computer up and start designing.

20 **MS. DUKES:** So they don't have a practice law?

21 **MR. TARKANY:** No. In fact I ran into some Americans
22 working there and they said, oh, man, you don't
23 have to be licensed to work here. You can just
24 call yourself a landscape architect and start
25 working. And this guy had a master's from

1 Harvard, you know, he was qualified for what he
2 was doing but he was, like, how much is it
3 going to cost me.

4 **MS. DUKES:** I would think then that their issue is
5 going to be -- for CLARB would be when those
6 countries do start regulating professions,
7 they've got to grandfather in all those people.

8 **MR. TARKANY:** Yeah.

9 **MS. DUKES:** And then are those, you know, that's
10 going to be a bigger issue.

11 **MR. TARKANY:** -- invited several of the other
12 countries that were listed in here to come to
13 a conference last fall to talk -- and they're
14 going to try to model -- figure which model was
15 the best standard, and they consider CLARB to
16 be the gold standard of the world for landscape
17 architecture, and that if they're going to do
18 this they're going to model it similarly to our
19 -- and have boards -- districts and have a
20 CLARB-like entity in place and do all those
21 things and replicate -- mainly it's up to those
22 countries to decide whether they want to do it
23 or not. If they want to we can give them some
24 -- give them a standard and give them support,
25 but it's up to them to do it.

1 **MS. MOORER:** So would the Board be agreeable to
2 creating this global standard and seeing the
3 exam offered internationally by CLARB? I know
4 from an administrative standpoint, it would be
5 a dream come true for me because it would be
6 good to know that no matter where they come
7 from they took that same exam and these
8 standards apply. I mean --

9 **MR. CHAIRMAN:** We about have to do that.

10 **MS. DUKES:** Yeah. It's got to --

11 **MR. CHAIRMAN:** You've got to use that as a standard
12 because it's -- you're dealing with too many
13 countries, too broad of a spectrum to try to
14 universally say you pass your nation's exam or
15 your country's exam, you come on in. You can't
16 do that. You've got to set it.

17 **MS. MOORER:** It looks like there are different
18 qualifications too and it would be good,
19 because I looked at the chart. Hong Kong, they
20 have to do an oral and written exam. The U.K.,
21 they have to do an oral exam. Probably taking
22 a written test compared to that, they'd
23 probably be so happy to take a written test
24 instead of having to go in front of a
25 committee, they'd love it.

1 **MR. TARKANY:** The U.K. is a little squirrely because
2 they have basically a gardening -- gardeners or
3 horticulture study and they -- and it's more of
4 a gardening ethic than it is landscape
5 architect. They have a different --

6 **MS. SIMPSON:** This is England, you said? The U.K.?

7 **MR. TARKANY:** Uh-huh (affirmative response). Germany
8 is more like us than England is.

9 **MR. CHAIRMAN:** The other aspect it would be
10 interesting to know is if this thing went so
11 far, could you restrict their level of practice
12 here. I mean, if they have no knowledge -- if
13 you got someone from the U.K. that was strong
14 in planting background but had no background in
15 any of the civil or stormwater, could you then
16 give them a restricted license that only gave
17 them an opportunity to do planting plants?

18 **MS. DUKES:** They'd just come and call themselves
19 horticulturists.

20 **MS. MOORER:** I'm thinking I'm going to ask Mr. Spoon
21 to correct me if I'm wrong on this one, but I
22 think under that case the Code of Ethics would
23 apply in that they are morally bound if we give
24 them a license if they meet our minimal
25 requirements, to practice within their area of

1 expertise similar to the engineers. There are
2 several disciplines and we don't license by
3 discipline, but their ethics bind them to
4 practice in their area of proficiency and I
5 would think that our ethics too would say they
6 have to be above board and honest about what
7 their specialties are and that they are bound
8 to do that, and if we find out that somebody is
9 operating outside of their area of expertise,
10 that would become an issue for the Board to
11 hear and decide whether to revoke their license
12 or take disciplinary action or what steps to
13 take. We would hope that wouldn't be an issue
14 and they would only -- so far landscape
15 architects have been really good about
16 practicing within their chosen areas. We do
17 not see problems with say, somebody that just
18 does golf courses going in and doing some sort
19 of a highway design or something and screwing
20 it up, and then they come before us and we say
21 well, a landscape architect is a landscape
22 architect, but you knew you weren't good at
23 that so why were you doing it. They're good
24 about the ethics.

25 **MR. SPOON:** That's more of a standard of care case

1 than it is a scope case, because if you don't
2 have a specialty license it's hard to say that
3 you have to practice within your specialty, but
4 at the same time if you practice outside, you
5 know, beyond your capabilities chances are you
6 might not meet the minimum level of the
7 professional standard. So it's going to be --
8 it's going to be a case or a complaint that has
9 more to do with you just didn't know what the
10 heck you were doing and as a result of not
11 knowing what you were doing, you didn't do a
12 very good job versus you were never authorized
13 to practice in that area to start with, but
14 either way it could be the subject of a
15 complaint. The main thing about this issue is
16 that you don't have to do anything. It's not
17 as if right now you can't consider foreign
18 applicants. I think that under Section 30 of
19 your Act gives you some latitude to consider
20 foreign applicants. It's not specifically
21 written that way and you could always add
22 language in the practice act to say this is
23 what we, you know, want to do for foreign
24 applicants, but under 30(b)(2) and (b)(4) which
25 is -- (b)(2) is the non-accredited curriculum

1 and the five years experience. That could be
2 a foreign person. And then (b)(4) is
3 certification from CLARB. You have the
4 discretion there -- an individual holding such
5 a CLARB certification may be accepted at the
6 discretion of the department. So, you know, as
7 this goes forward if you get a foreign
8 applicant in the meantime, they're not --
9 they're not shut out.

10 **MR. TARKANY:** That's good. Well, I know this is
11 adding a little to the agenda so I don't know
12 if discussing much more about it -- it's very
13 helpful to take some of this perspective back
14 to this meeting about -- feeling about
15 appreciating a more proactive approach, setting
16 a standard, possibly having the test. We do
17 have mechanisms in place in our state on our
18 Board for foreign applicants, but we would like
19 to see CLARB take somewhat of a good strong
20 leadership role since we're recognized as the
21 standard. And are there any cautionary or
22 problematic -- you know, including IFLA into
23 the process of course. Did I miss anything?
24 Just trying to make sure that when I go back
25 and say anything, if there's something that --

1 **MS. DUKES:** That covers it.

2 **MR. TARKANY:** Pretty much covers it?

3 **MR. CHAIRMAN:** Yeah.

4 **MS. MOORER:** You can tell them that Sherri with the
5 South Carolina Board says she very much
6 appreciates them taking a -- offering to take
7 a proactive approach and asking the boards,
8 asking for our feedback because I think it's a
9 good thing that they're doing and I really
10 appreciate that they're -- they're researching
11 this early before acting. And they're looking
12 at it from a whole perspective to see what do
13 we need to make this successful. I certainly
14 appreciate them doing that. I appreciate the
15 Board considering it, because I think we might
16 be looking at five, ten years down the road,
17 but I think this is a good time to talk about
18 it now and to make plans so we can get it
19 established well and have good guidelines in
20 place for the future. We can be prepared.

21 **MR. CHAIRMAN:** I think we're going to definitely
22 look at those two bodies to give us advice on
23 which way.

24 **MS. SIMPSON:** Does CLARB have a committee or
25 something set up to identify the impediments

1 state by state that might crop up? Like, you
2 know, Sherri has looked at ours and we've
3 identified what we can, what we can't do.

4 **MR. TARKANY:** It's going to be on the agenda at the
5 national meeting in --

6 **MS. SIMPSON:** Is it going to be a task force or a
7 committee?

8 **MR. TARKANY:** Well, there's going to be a work
9 session, working session on it and what we do
10 is the boards all come and say can your board
11 -- does your board have a problem with this,
12 and what are they, in what states are they.
13 And we found out that, for instance, the other
14 subject we had was -- on the last meeting --
15 oh, using PLA.

16 **MS. SIMPSON:** PLA, uh-huh.

17 **MR. TARKANY:** And out of 50 states there's, like,
18 six states who have a problem and they can fix
19 it if that's what -- if ASLA promoted it and
20 did a good job of getting that becoming our
21 standard. But only -- so we're probably
22 somewhere in that. It'll be half a dozen
23 states that'll have a problem and the rest --

24 **MS. SIMPSON:** You need to know that before --

25 **MR. TARKANY:** Right.

1 **MS. SIMPSON:** -- yeah. I mean those states would
2 need to start thinking about it.

3 **MR. CHAIRMAN:** Just like ours, we can't -- could not
4 grant them reciprocity.

5 **MR. TARKANY:** Right.

6 **MS. MOORER:** Well, not -- no. Not under those terms
7 but we could still license and it would be the
8 same as we've processed them.

9 **MS. SIMPSON:** The series of questions that boards
10 would have to answer, staff, I mean, just send
11 it out by email, you know, what if this, what
12 if that, could you do this, could you do that.

13 **MR. TARKANY:** That's a good idea.

14 **MS. SIMPSON:** What would prevent it? How long would
15 it take you to change it if you decided to
16 change it? That kind of thing.

17 **MS. MOORER:** If they have any more questions for us
18 too, we'll certainly be glad to discuss it with
19 them because it's -- it's been my experience
20 with CLARB they don't typically do task force.
21 They consult more with boards directly, which
22 I think --

23 **MS. SIMPSON:** -- can't move without having a task
24 force.

25 **MS. MOORER:** -- I think it's a very good approach

1 because they go right to the person that works
2 in it every day and they get a direct answer.

3 **MS. SIMPSON:** That's what I'm saying.

4 **MS. MOORER:** And I think that's great and I saw it
5 at that spring meeting. That was a really good
6 discussion because it was good to have other
7 people from other boards and be able to talk
8 about well, really, because when this happened
9 at our board meeting a couple of years ago,
10 this is how we dealt with it but you did it
11 completely different because -- and just being
12 able to share information back and forth and to
13 see similarities and differences.

14 **MS. SIMPSON:** Right.

15 **MR. CHAIRMAN:** So have you got enough to go on
16 today?

17 **MR. TARKANY:** Thank you very much.

18 **MR. CHAIRMAN:** Certainly.

19 **EXPIRATION DATE FOR CERTIFICATES OF AUTHORIZATION:**

20 **MR. CHAIRMAN:** Expiration dates for COAs. Sherri?

21 **MS. MOORER:** This was something that we briefly
22 mentioned at the last meeting and I'm not
23 really sure what we can or cannot do, but since
24 the law changed in the regulations just passed
25 there's been a question and I've had a number

1 of candidates call me and say okay, I'm
2 required to have this certificate of
3 authorization but gee, you want me to pay you
4 \$400 now and then come January 31st, pay you
5 another \$400? I'm only getting seven months
6 out of the renewal period. So one thing I just
7 wanted to talk about today is, is there a way
8 -- would the Board like to consider either
9 going ahead and extending out licenses that we
10 issue now through the 2015 cycle, or prorating
11 that cost to say if you apply for a certificate
12 of authorization now, we'll only charge you,
13 say, \$100.

14 **MR. CHAIRMAN:** Prorata share of the 400?

15 **MS. MOORER:** And then you have to renew.

16 **MR. CHAIRMAN:** Can we as a Board determine financial
17 --

18 **MS. SIMPSON:** I don't know that we have authority to
19 do it, do we? Sheridan, you know that better
20 than --

21 **MS. DUKES:** I thought this is how we had interpreted
22 it before, was that the initial certificate of
23 authorization is \$200, so that's your initial
24 one. That's the \$200 and it applies to me, you
25 know, as well as probably all of us on this

1 Board, is that your initial one, when I first
2 apply, is going to be \$200. Now -- and that'll
3 take me to the year that it brings up everybody
4 else and what you mentioned as the second one,
5 but in 2013 I've got to apply for two more
6 years, and that's going to be the \$400. So
7 yeah, really for my initial licensure at \$200
8 I'm only getting --

9 **MR. CHAIRMAN:** Seven months.

10 **MS. DUKES:** -- seven months. I don't have to pay
11 the \$400 initially, so what you're saying would
12 be that --

13 **MS. SIMPSON:** Prorate the 200; right?

14 **MR. CHAIRMAN:** Can we --

15 **MR. DUKES:** How are we going to do it when somebody
16 comes -- say if somebody just comes in January
17 to apply for their certificate of
18 authorization? It's their very first time. Is
19 that two years since we're a two-year period?
20 Is that \$200 or is it \$200 for the initial
21 thing and then the annual renewal for the
22 second year, even though it's all done at one
23 time, \$200?

24 **MS. MOORER:** It says in our law that these are
25 annual fees; however the initial certificate of

1 authorization fee it lists as \$200.

2 **MS. SIMPSON:** In my experience regardless of when an
3 initial application comes in, you take that
4 application money and you give them a license
5 for the next renewal period. I mean -- or it
6 expires during that term, so if they applied --
7 if the license expires June 30th and they apply
8 in February, they get a license until June. If
9 they apply April the 15th, we give them a few
10 months and the two years. So it's --

11 **MR. CHAIRMAN:** But you just do that internally as --

12 **MS. SIMPSON:** We do that administratively.

13 **MR. CHAIRMAN:** -- you do that at your discretion?

14 **MS. DUKES:** Actually on this thing we've got the
15 same issue with the license fee. We've got an
16 initial license fee of \$50 so do they get two
17 years for that \$50? I'm saying --

18 **MS. SIMPSON:** -- a two-year period and so whatever -
19 - whenever everybody else renews, they will
20 renew also but at that time they have to pay
21 the renewal fee. I mean, we've had people call
22 -- oh, we've had people who got a license on
23 March the 1st and then they found out they were
24 going to have to renew it on June 30th and they
25 just were very unhappy. So what we tell them

1 is our job is to give you a license when you
2 apply. We don't ask you do you need it. We
3 assume since you apply for it, you need it, and
4 we work very hard to give it to you as quickly
5 as possible. Sorry you didn't realize that.

6 **MR. CHAIRMAN:** You can -- I mean, you can at your
7 discretion say I'm going to give you --
8 internally you'll say we'll give them a 30-day
9 window but then -- well, I need 31. Well, then
10 let's push it to 31. It becomes 32. You can't
11 stop.

12 **MS. SIMPSON:** Right. Right.

13 **MS. DUKES:** So rather than there's been some outcry
14 of prorating it, you could just say that
15 everybody's got to apply by January 1st and
16 they get those first two years for the \$200.
17 Is that --

18 **MS. MOORER:** That makes sense because the way we
19 usually do it is when we open license renewals,
20 new applicants that come in, I believe it's
21 about a week before license renewals, we set
22 the database to reset the renewal dates to the
23 next cycle, so say when we send out renewal
24 notices in November, if somebody applies in
25 November or December, they're going to get a

1 2015 expiration date. And if y'all are okay
2 with leaving it that way, I believe it came up
3 at the last meeting to discuss this. If y'all
4 are okay with leaving it that way, we certainly
5 will.

6 **MR. CHAIRMAN:** I just don't know that we can change
7 it. This Board --

8 **MS. MOORER:** If people complain we'll just have to
9 tell them well, you're coming in on the tail
10 end of a licensure period.

11 **MR. CHAIRMAN:** Jan, what is the entity that can
12 change that?

13 **MS. SIMPSON:** You'd have to build in a mechanism in
14 the statute, I think. I mean, some boards have
15 a prorated option in their statute. We don't.
16 None of the boards that I have --

17 **MR. CHAIRMAN:** After this period of time, it's --
18 there's nothing to change.

19 **MS. DUKES:** Just do that. And when you send out the
20 renewals, put in another notice in there if
21 you, you know -- remind them of the law and you
22 must apply for your COA by January 1 or you
23 will, you know, you will be considered --

24 **MS. SIMPSON:** Practicing without a firm license.

25 **MS. DUKES:** Yeah. Does that suit everybody?

1 **MS. SIMPSON:** Sheridan, do you have any input on
2 that?

3 **MR. SPOON:** I was just looking at your fee schedule
4 under Section 70. The COA is binding in 70(d).
5 Certificate of Authorization must be renewed
6 biannually.

7 **MS. SIMPSON:** Right. But if they apply for an
8 initial license, the expiration date is
9 whatever the expiration date is for that period
10 of licensure. So when it expires they pay the
11 renewal fee --

12 **MR. CHAIRMAN:** Yeah. It's not enrolling --

13 **MS. SIMPSON:** -- two years.

14 **MR. CHAIRMAN:** -- it doesn't start at that time
15 biannually. You've got four more years before
16 you pay again.

17 **MS. SIMPSON:** It's a set --

18 **MR. CHAIRMAN:** It's not rolling. It's a set --

19 **MS. SIMPSON:** Right.

20 **MR. CHAIRMAN:** -- set begin, set end date.

21 **MR. SPOON:** A lot of people have an individual
22 license only. They don't have a certificate of
23 authorization.

24 **MS. DUKES:** Our law won't allow that anymore, if
25 they're -- the new law changed it to if they're

1 practicing under any name other than their
2 personal name.

3 **MR. CHAIRMAN:** John Doe, landscape architect, period.

4 **MS. DUKES:** Yeah.

5 **MR. SPOON:** Some people -- or maybe more now but not
6 everybody's necessarily going to have --

7 **MS. DUKES:** Most of them are putting at least LLCs,
8 so that's your personal name.

9 **MR. CHAIRMAN:** So you've got all three of us prior
10 to this law were basically solo practitioners,
11 so we didn't need a certificate. Now, then all
12 three of us have to apply for that.

13 **MS. DUKES:** See, if you practice under John Doe,
14 LLC, that's not your personal name.

15 **MS. SIMPSON:** That's a firm name.

16 **MS. DUKES:** You would be required -- is how it's
17 been interpreted to us. Say if somebody does
18 renew theirs in January and since it's
19 biannual, it costs them \$400; is that correct?

20 **MS. MOORER:** If they renew it's \$400. The initial -
21 - it looks like you're right. It looks like
22 the initial fee is \$200 for the initial license
23 and then when you renew, it's 400.

24 **MR. TARKANY:** That's for two years?

25 **MS. MOORER:** And that's for two years. And I'm not

1 sure why the fees were established that way
2 where it's not the same for everything, but
3 that's just the way that it is in the statute,
4 so we're going to do what the statute says to
5 do. And fees are really being questioned by
6 the Legislature right now, so that is
7 definitely not something we want to go in there
8 and ask them about.

9 **MS. DUKES:** All right. So let's summarize. What
10 we're saying is that by January, everybody has
11 got to apply for a certificate of authorization
12 that's required to.

13 **MS. MOORER:** Actually July 1st.

14 **MS. DUKES:** July 1st?

15 **MR. SPOON:** July 1st of '12. I'm looking at your
16 regulations, the final ones that just came into
17 effect. There at 76-8 says --

18 **MS. DUKES:** That's where we got that understanding
19 before.

20 **MR. SPOON:** -- effective July 1st of '12, all firms,
21 et cetera are required to have an active COA.
22 So the problem kind of seems to be you've got
23 one date in the reg for the COAs, but January
24 31st of '13 is for the individuals. That's the
25 period. So you've got staggered individuals

1 and --

2 **MR. CHAIRMAN:** They're still going to roll the same
3 times. The COA will expire in January. So
4 it's just -- it's a stop-gap, is all it is, I
5 guess.

6 (Off the Record)

7 **MR. SPOON:** It just says effective July 1st, 2012,
8 all firms offering the practice or practicing
9 landscape architecture are required to have an
10 active certificate of authorization.

11 **MS. DUKES:** So they'd have to have it. It would
12 have to have been applied for and received.

13 **MS. SIMPSON:** Is it possible to kind of have a grace
14 period if the law doesn't --

15 **MR. SPOON:** (Shakes head negatively.)

16 **MS. SIMPSON:** No? Okay.

17 **MR. SPOON:** If it were in your regs it would be. I
18 don't know if it is. It may be.

19 **MS. SIMPSON:** No. And the problem was we expected
20 that to pass earlier --

21 **MR. SPOON:** Right.

22 **MS. SIMPSON:** -- so July 1, 2012 would have given
23 everybody plenty of time, but --

24 **MR. CHAIRMAN:** So legally this Board can do nothing
25 as far as trying to establish a grace period of

1 delaying that until January of '13, or any
2 other way to do it? Sherri's going to get
3 bombarded either with late fees --

4 **MR. SPOON:** Right. Coming up in two months.

5 **MR. CHAIRMAN:** Yes.

6 **MS. SIMPSON:** Or telephone calls saying --

7 **MR. CHAIRMAN:** Telephone calls, why am I paying this
8 for six months or five months.

9 **MS. MOORER:** Or from people who don't comply by July
10 1st, Investigations is going to start --

11 **MR. SPOON:** Rather than say there's nothing you can
12 do -- rather than say there's nothing you can
13 do, what I'd rather say is follow back up and
14 follow up with -- we will follow back up with
15 the Legislative Council and see. They may have
16 run into this before and there may be something
17 that can be done. I don't want to say there's
18 nothing you can do.

19 **MR. CHAIRMAN:** The only down side to that is the
20 clock is ticking. This Board won't meet again
21 until July 14th or something like that, so that
22 window would have passed by July 1 unless we
23 can do something --

24 **MS. SIMPSON:** I wonder if we could look at it as a
25 biannual period. The period of licensure for

1 a firm is biannual. All right. So people --
2 firms who apply July 1, 2012 or after could
3 possibly administratively be given a two-year
4 and six-month term. Or given an expiration
5 date that reflects a period of two and a half
6 years. So they're getting their two years and
7 if they're -- if they're applying in July -- I
8 know.

9 **MR. CHAIRMAN:** But you --

10 **MS. SIMPSON:** I'm just floating this.

11 **MR. CHAIRMAN:** Which I -- I like that but the
12 problem that I see is that next year this time,
13 the firm that applies, are they getting two
14 years or three years?

15 **MS. SIMPSON:** What's the expiration date right now?

16 **MS. MOORER:** January 31st of odd-numbered years on
17 everything.

18 **MS. SIMPSON:** So '13.

19 **MR. CHAIRMAN:** Does that snowball continue downhill
20 or is it a one-time --

21 **MS. SIMPSON:** So those firms paid \$200 to apply;
22 right?

23 **MS. DUKES:** I mean, I guess we're still saying
24 they've got to have their applications in. If
25 we're interpreting the letter of the law,

1 they've got to have an application in and
2 they've got to have approval from this Board to
3 have a COA by July 1st.

4 **MR. SPOON:** Let me ask a silly question here now.
5 You've got a requirement in your statute
6 already that requires a certificate of
7 authorization. It's in your statute; right?

8 **MS. SIMPSON:** Right.

9 **MR. SPOON:** It's in section 70. So the rationale
10 for -- that appears again in the regulations
11 and it adds the effective date of July 1st,
12 2012. So people that are already licensed that
13 are basically renewal-type situations, this is
14 really not going to affect them.

15 **MS. SIMPSON:** Right.

16 **MR. SPOON:** They're just renewing.

17 **MS. SIMPSON:** Right. So they're already good until
18 January 31, 2013.

19 **MR. SPOON:** They're fine.

20 **MS. DUKES:** It's the --

21 **MS. SIMPSON:** It's the new --

22 **MS. DUKES:** -- the change in the law --

23 **MR. SPOON:** -- initial -- initial applicants.

24 **MR. CHAIRMAN:** Because we've created a whole new
25 group of people that now fall within that COA

1 requirement who previously did not.

2 **MR. SPOON:** Even for those initial people applying -
3 - if they apply next week for their initial
4 license, this is not saying that they don't
5 have to get a COA until July 1st because
6 they're already required to have the COA by
7 statute.

8 **MR. CHAIRMAN:** Yes.

9 **MS. DUKES:** But we're saying you've got to have it
10 by July 1st.

11 **MR. CHAIRMAN:** The ideal thing would have been --

12 **MR. SPOON:** I mean, it almost doesn't -- it's almost
13 moot in a way because they're required -- even
14 a new applicant is required to have a COA by
15 statute regardless of when they apply and it's
16 biannual.

17 **MS. DUKES:** I'm not following.

18 **MR. SPOON:** Okay. What I'm saying is you've got --
19 statute requires you have a certificate of
20 authorization for anybody. So the regulation
21 put this July 1st, 2012 date in there and I'm
22 a new applicant and I apply for a license. I
23 know I've got to have a COA but it's almost as
24 if whenever you apply, your certificate of
25 authorization is good for two years.

1 **MS. DUKES:** Two years from the date of application.
2 It's two years from -- everybody's renewal
3 dates are all the same date.

4 **MS. SIMPSON:** It's a biannual renewal period.

5 **MS. DUKES:** Everybody's is all at one time during
6 the year, so that they're not constantly
7 renewing things from an administrative
8 standpoint.

9 **MR. SPOON:** Right.

10 **MR. CHAIRMAN:** This problem is going to be with us
11 forever, or it's going to -- Sherri --

12 **MS. SIMPSON:** No. Well --

13 **MR. CHAIRMAN:** Well, because if I apply -- if I
14 apply to get licensed and I have -- I'm going
15 to need a COA and I need to do it in April of
16 2015, they expire in 2015; correct? Or
17 whatever that short window before the next
18 expiration. So you're back to the same thing.
19 I've got to pay \$200 initially and I've only
20 got five months until it's going to lapse out.

21 **MS. DUKES:** Which I think is fine, what we were
22 saying, but I think the only thing we were
23 trying to be understanding of this whole mass
24 body of people in the state that are now --
25 have this new requirement upon them.

1 **MR. CHAIRMAN:** We should have written a prorata
2 share --

3 **MS. SIMPSON:** Or for one time but again, you didn't
4 anticipate the need for that because this --

5 **MR. TARKANY:** We didn't know it was going to be
6 delayed.

7 **MS. SIMPSON:** Right. And everybody would have had
8 the two years if it had passed according to
9 that --

10 **MR. SPOON:** So for an individual applicant, no COA
11 issue involved, they put in and they were
12 issued a license next week, what would they
13 have to pay? They'd have to pay the renewal
14 fee.

15 **MS. SIMPSON:** For COA?

16 **MR. SPOON:** They don't have a COA. They're just an
17 initial person. I mean, they're just an
18 individual person. They don't want a COA and
19 don't --

20 **MS. SIMPSON:** Okay.

21 **MR. CHAIRMAN:** Fifty dollars.

22 **MS. DUKES:** Fifty bucks.

23 **MR. SPOON:** So they would have to get the -- and
24 they were issued a license, like I said. Let's
25 say next week they got their license. Would it

1 be good until January 31st of '13?

2 **MS. MOORER:** Yes.

3 **MR. SPOON:** And they'd have to pay the \$400?

4 **MS. SIMPSON:** Renew.

5 **MR. SPOON:** But for that initial license they'd have
6 to pay the full fees and it would only be good
7 until January?

8 **MS. SIMPSON:** Fifty dollars.

9 **MS. MOORER:** I think you're right. It is a
10 perpetual problem. We always get those
11 questions when we get down to the last six
12 months of the renewal period. People coming in
13 for the first time say well, I think it should
14 be prorated. They don't want to pay the full
15 fee. And it's questions we always have to ask.
16 And I think this was put on the agenda this
17 time to try to address that for, like you said,
18 this large group of people who had this new
19 requirement put on them in 2010 and are still
20 coming through the system.

21 **MR. CHAIRMAN:** But there's nothing this Board can
22 do, is there?

23 **MS. MOORER:** I don't really know if there's anything
24 we could do.

25 **MR. CHAIRMAN:** We have no authority. The only thing

1 we might -- the only thing I could see we could
2 do in the future if this is a perennial problem
3 is do we go back at some point in time and try
4 to get it added to the regs or to the law or
5 whatever.

6 **MS. SIMPSON:** You could if that's what you decided
7 you wanted to do. We could do it
8 administratively. We can do it with
9 communication by saying, you know, by making
10 sure that somebody who comes in who is a first-
11 time registrant individually is notified that
12 if they're practicing -- we do that in our
13 letters to people we've just licensed, you
14 know, please note South Carolina requires firms
15 to be licensed and we could give them the
16 licensure period then.

17 **MS. MOORER:** Well, like we do --

18 **MS. SIMPSON:** And we could --

19 **MS. MOORER:** -- I believe that --

20 **MS. SIMPSON:** -- and so then it kind of is up to
21 them to say, well, you know, I'm going to have
22 to do this because if I don't I'm going to get
23 caught and possibly disciplined. So it's kind
24 of if they think they can get by with it or if
25 they -- if they're registering themselves in

1 anticipation of a project, they can delay --
2 and they're not going to work in the state
3 until that project comes through, they can
4 delay submitting an application for COA until
5 closer to time. So --

6 **MR. CHAIRMAN:** Can they?

7 **MS. SIMPSON:** Yeah. They're not practicing in the
8 name of the firm yet. You know, if I'm --

9 **MR. CHAIRMAN:** That's a slippery slope on to figure
10 out if there's another one. Well, I really
11 didn't start a project until then even though
12 -- I mean --

13 **MS. SIMPSON:** Well, as soon as they know they're
14 going to start a project, they should apply.
15 I mean, what does it take? Two seconds to
16 license them. And so if they're a North
17 Carolina company and they have a client that
18 calls up and says I'm thinking about a project
19 in Chester, South Carolina, so that person
20 individually licenses himself or applies for
21 licensure but he holds off so he can mobilize.
22 But if -- as soon as the project gets the green
23 light, he applies for a COA because he is going
24 to be practicing through a COA. Do you see
25 what I'm saying?

1 **MR. CHAIRMAN:** I don't -- I don't see a lot of
2 people -- I don't anticipate a lot of people
3 trying to read into it that way. I would -- if
4 I was applying from North Carolina, the same
5 aspect, I got a job, the job's going to be
6 sometime this year, I'd probably just -- I'd
7 pay for the licensure and I'd pay for the COA
8 and move on.

9 **MS. SIMPSON:** Same time.

10 **MS. DUKES:** What have you been telling everybody,
11 Sherri?

12 **MS. MOORER:** I've been telling them that the license
13 renewal period is January 31st of odd number
14 years and we do not prorate.

15 **MS. DUKES:** I mean, but have you been telling
16 everybody that they need to have their COA
17 approved by July 1st?

18 **MS. MOORER:** I have been telling them that and as a
19 matter of fact, it is in our letter and the
20 renewal date is. Now, my question is this:
21 That section 40-28-80 in our statute says
22 annual fees but all the license cycles are
23 biannual, so does that mean that these fees
24 should be doubled?

25 **MS. DUKES:** Yes. I mean, that's -- that's the

1 answer I got a while ago when I asked it in a
2 different manner; right?

3 **MS. MOORER:** So then that initial license fee should
4 be \$100 because it's covering a two-year
5 period, but the law establishes that 50 is an
6 annual fee but the license is biannual.

7 **MS. SIMPSON:** But that's an application fee; right?
8 Or is it a licensure fee?

9 **MS. MOORER:** Well --

10 **MS. SIMPSON:** If it's application it doesn't double.

11 **MS. MOORER:** Initial license fee is also -- annual
12 license renewal fee, that would double.
13 Initial certificate of authorization fee, \$200.
14 Suppose that -- would that double since it
15 covers two years?

16 **MS. DUKES:** No, I mean, I asked y'all a while ago
17 that initial certificate of authorization fee
18 is \$200. Say I'm coming in January 1 of next
19 year and I'm applying for my very first COA in
20 South Carolina. How much are y'all going to
21 charge me for that COA?

22 **MS. MOORER:** It says they're annual fees.

23 **MS. DUKES:** Well, the answer I got a while ago was
24 that \$200, because that was your initial one.
25 That was your initial one. It was \$200 and it

1 gave you two years for that first one.

2 **MS. MOORER:** Well, it says biannual in the
3 requirements, but then when you get to the fee
4 list, fees are listed annually.

5 **MS. SIMPSON:** I would -- under initial license fee I
6 would assume that is an application and a
7 license for \$50 for an individual.

8 **MS. DUKES:** Okay. And that gives him license to
9 practice for two years, because we only issue
10 them for two years.

11 **MR. CHAIRMAN:** A period of time in two years. A
12 maximum of two years.

13 **MS. DUKES:** Right. Right. Okay. Maximum of two
14 years. Okay.

15 **MS. SIMPSON:** Initial certificate of authorization
16 fee, 200. That's what you asked earlier.
17 That's the application fee.

18 **MS. DUKES:** And that gives you a COA for a maximum
19 of two years.

20 **MR. SPOON:** I was going to ask you how much do you
21 charge for COA?

22 **MS. MOORER:** We've been charging 400 because our
23 office of licensure and compliance when we had
24 it told us we had to double all of these
25 because they cover the two years.

1 **MS. DUKES:** But what about -- I mean, an initial --

2 **MS. MOORER:** I want to interpret it --

3 **MS. DUKES:** All right. Just like these people that
4 you just gave one, CDM Smith, certificate of
5 authorization issued on April 3rd. How much
6 did you charge them?

7 **MS. MOORER:** The firms have been paying 400.

8 **MS. DUKES:** And that's -- that was their very first
9 one.

10 **MR. SPOON:** Which is consistent with everything,
11 because you've got a fee schedule in your
12 statute that says annual fee for a certificate
13 is 200 and your statute also says elsewhere
14 that the certificate is good for two years
15 because it's renewed biannually.

16 **MS. MOORER:** That is confusing.

17 **MS. DUKES:** Yeah. Because then --

18 **MR. SPOON:** Your fee schedule lists --

19 **MS. DUKES:** All right. What have you been doing
20 for, say this Brownlee candidate who just got
21 licensed? It's her first time getting
22 licensed.

23 **MS. MOORER:** She paid that initial license fee of
24 \$50 --

25 **MS. DUKES:** Fifty dollars.

1 **MS. MOORER:** -- because she passed the exam and that
2 initial license fee was interpreted as people
3 who pass the exam in South Carolina to activate
4 their license.

5 **MS. DUKES:** Okay. So then you're not interpreting
6 those the same way. I would think that if you
7 interpreted that the same way you did the COA
8 by doubling it, I mean, by doing the 200 plus
9 the 200 for the individual person, you'd have
10 the \$50 initial and then the \$100 annual
11 renewal; right?

12 **MS. SIMPSON:** But it's not annual.

13 **MS. DUKES:** But the same thing is -- but the same
14 thing just occurred in the conversation for the
15 COA.

16 **MR. CHAIRMAN:** The annual is stated for COAs or
17 license?

18 **MS. DUKES:** I mean, why for a COA you add item
19 number three and item number four, but for
20 initial license you just add item number one?
21 I don't understand that.

22 **MS. SIMPSON:** All right. If somebody has a project
23 --

24 **MS. MOORER:** Okay. I think I see. This initial
25 examination fee gives us the right to charge

1 them up to \$200.

2 **MS. SIMPSON:** And then when they --

3 **MS. MOORER:** But we're not giving the exam anymore.

4 **MS. DUKES:** I'm not talking about exam at all.

5 **MS. SIMPSON:** No, but --

6 **MS. DUKES:** I'm not talking about exam. I'm talking
7 about --

8 **MS. SIMPSON:** That is an application to be made
9 eligible to take the exam. All right. And
10 then when they pass it, then they just pay \$50
11 for the license fee.

12 **MS. MOORER:** Because they've already paid to take
13 the exam.

14 **MS. SIMPSON:** Right. Which -- and they paid this
15 plus the exam cost; right?

16 **MS. MOORER:** They don't pay us anything to take the
17 -- to --

18 **MS. SIMPSON:** That's what I'm saying.

19 **MS. MOORER:** They just pay -- they pay us the \$50
20 because now that we don't pass the money
21 through, they're paying all those application
22 fees to CLARB now, which is --

23 **MS. SIMPSON:** That's what I'm saying.

24 **MS. MOORER:** -- which is, like, per section and they
25 have to pay, like, a \$75 administrative fee

1 every time they take the test. So we decided
2 to just do that initial license fee because
3 they just forked out close to \$1,000 to take
4 the exam.

5 **MS. SIMPSON:** Right. Right. Does that make sense?

6 **MS. DUKES:** No, because I don't think it has
7 anything to do with the exam.

8 **MR. SPOON:** Well, let's talk about that same person
9 --

10 **MR. CHAIRMAN:** All right. Can I ask for a five-
11 minute break?

12 (Off the Record)

13 **MR. CHAIRMAN:** We are back out of recess.

14 **MS. MOORER:** We had the requirement but it did not
15 cover LLCs.

16 **MS. SIMPSON:** We added LLCs.

17 **MS. MOORER:** It was only firms and partnerships and
18 the reason why that was, was because they
19 updated their law in '94 when the LLCs
20 incorporate -- when the LLCs and S corp started
21 growing, they just didn't want to go back in
22 and open up the statute again so they left them
23 exempt. But when they changed our law in 2010,
24 they took that exemption away and they just
25 said anybody except the sole proprietor has to

1 have it.

2 **MR. CHAIRMAN:** And even sole proprietor's not a true
3 description, because --

4 **MS. MOORER:** And sole proprietors are only exempt if
5 they're practicing in their names.

6 **MS. SIMPSON:** It's really related to the name.

7 **MR. SPOON:** The renewal date for licenses is
8 January.

9 **MS. MOORER:** January 31 of odd number years.

10 **MR. CHAIRMAN:** But to go back to all that, the
11 renewal date is January of odd years. If
12 someone -- my interpretation would be based on
13 the sheet Laura keeps referring to -- what is
14 it?

15 **MS. DUKES:** 40-28-80.

16 **MR. CHAIRMAN:** 40-28-80 is that if I apply for
17 either a licensure or a COA, I'm either going
18 to pay my first time up until that next renewal
19 period, either \$50 or \$200, period. Beginning
20 the next renewal period I will then be in the
21 cycle of paying the full amount, so the \$400,
22 I don't see how that's -- that's coming into
23 play. If I -- Sherri, are you saying that if
24 I renew and I haven't done it -- if I -- when
25 I go for my COA this year, I'm going to write

1 a check for \$200 for initial and then another
2 --

3 **MS. DUKES:** Two hundred for renewal? I mean, that's
4 not --

5 **MR. TARKANY:** No, another 400.

6 **MS. DUKES:** No, he's talking about right now.

7 **MR. CHAIRMAN:** Right now. Just -- I'm only --

8 **MS. DUKES:** Just like this guy she's saying she just
9 charged \$400 for a six-month license. I don't
10 think that's the correct interpretation.

11 **MR. CHAIRMAN:** I would think they would have -- he
12 would pay \$200.

13 **MS. DUKES:** Because he's still not even doing an
14 annual renewal. You charged him the annual
15 renewal fee and all he did was an initial.

16 **MR. TARKANY:** Right.

17 **MS. MOORER:** I'm asking for legal advice on this one
18 because that section is confusing.

19 **MS. DUKES:** Oh, it is. I agree.

20 **MR. SPOON:** Here it is for what it is worth: In the
21 new reg this July date, where it says effective
22 July 1st, that's kind of a red herring in a
23 way, because you already had a requirement in
24 your statute that requires a COA. It's not
25 like this is a new requirement that everybody

1 had to have a COA effective July 1st. You
2 already had that in your statute. So if I'm an
3 initial applicant and I want the license and I
4 also would like to have the certificate of
5 authorization and I put in an application next
6 week and it is approved next week, I would pay
7 those initial individual license fees and I
8 would pay a COA fee of \$200. Why? Because if
9 your statute and your fee schedule in the
10 statute says annual certificate of
11 authorization fee --

12 **MS. DUKES:** It says renewal fee.

13 **MR. SPOON:** It's \$200.

14 **MS. DUKES:** It's called renewal, I think is the key
15 word.

16 **MR. SPOON:** Yeah. It says annual COA.

17 **MS. DUKES:** So I'm not renewing it. I'm applying
18 for it once. I'm not renewing it.

19 **MR. SPOON:** Well, they're both the same. They're
20 both the same. One is initial and one is
21 annual, but they're both the same \$200.

22 **MS. DUKES:** Just let me say -- that is, because --
23 all right, say I come in right now regardless
24 whether I'm licensed in South Carolina or if
25 I'm coming from out of state, whether I've been

1 practicing in South Carolina or not, I'm
2 applying for my COA and it's May 1st. Then the
3 initial authorization fee is \$200. I haven't
4 applied for any renewal. Come January I apply
5 for a renewal and then it's -- since you're
6 giving me two years, it's 200 plus 200.

7 **MR. SPOON:** Right.

8 **MS. DUKES:** So right now, I mean, I'm not renewing
9 anything so you can't charge me the renewal
10 fee.

11 **MR. SPOON:** That number three there in the fee
12 schedule is what I was looking at. Initial
13 certificate of authorization fee \$200.

14 **MS. DUKES:** Okay.

15 **MR. SPOON:** If I get my -- if I get that next week
16 it's \$200 and it's good until January.

17 **MS. DUKES:** Perfect.

18 **MR. CHAIRMAN:** So stop right there. No more COA
19 fees.

20 **MR. SPOON:** And then in January since your statute
21 also says that for some reason certificates of
22 authorization are biannual -- in January I want
23 to keep my COA. I will pay \$400.

24 **MR. CHAIRMAN:** Correct.

25 **MS. DUKES:** Right. We have not been applying it

1 that way.

2 **MR. SPOON:** Okay. Okay.

3 **MR. CHAIRMAN:** Sherri, that same instance, that same
4 person you had just paid 400; right?

5 **MS. MOORER:** Yes.

6 **MR. CHAIRMAN:** Okay. That's what was --

7 **MR. SPOON:** That's what y'all were --

8 **MR. CHAIRMAN:** That's the red flag that we saw going
9 up.

10 **MR. SPOON:** No, I paid \$200 that's good for -- good
11 from now until January and then I pay \$400 --

12 **MR. CHAIRMAN:** Thereafter.

13 **MS. DUKES:** And so we need -- we need legal advice
14 on what to do with anybody in 2012.

15 **MR. CHAIRMAN:** 2012?

16 **MS. DUKES:** Yeah. That's applied just this year.
17 If they applied last year, then there's two
18 years in there; right?

19 **MR. CHAIRMAN:** No, it's initial --

20 **MS. DUKES:** Say if I applied June of 2011, my
21 initial took me until January and then renewed
22 it again for this year, even though you get it
23 for a two-year period, because -- right? I
24 mean, it would have been fine for anybody in
25 2011. Anybody in 2012 --

1 **MR. SPOON:** What you really have, even though you
2 don't have any language in here that allows you
3 to prorate it, you've got a fee schedule and
4 statute that says -- that uses the word annual,
5 so if it's part of a year I'm not going to
6 prorate it down to one month or three months or
7 four months, but I can prorate it down to one
8 year.

9 **MR. CHAIRMAN:** So are we all in agreement on where
10 we stand with this? The initial fee for either
11 licensure or COA up until the point of renewal
12 is either the 50 or the \$200 and that's the
13 limit of the fees. After that initial period
14 of licensure, your next renewal period you are
15 bound by the rates established biannually.

16 **MR. SPOON:** Pay whatever it is for your individual,
17 which I'm not going to try to do that
18 calculation, but I think that's not the
19 problem.

20 **MR. CHAIRMAN:** No, it's just the COA has opened up a
21 new --

22 **MR. SPOON:** And you're going to pay \$400 because
23 it's --

24 **MR. CHAIRMAN:** Biannual.

25 **MR. SPOON:** -- biannual and the annual fee is \$200,

1 so it's 400.

2 **MS. SIMPSON:** Just for the purpose of the record,
3 Sherri has been sending out this information
4 for the last two years so people who are
5 already licensed here should not find this a
6 surprise.

7 **INVESTIGATIONS:**

8 **MR. CHAIRMAN:** All right. Moving on to staff
9 reports. Sharon Wolfe, is she going to be --

10 **MS. SIMPSON:** She has -- she is not going to be
11 here. Sherri has her report.

12 **MS. MOORER:** I have and I put that in your packets.
13 Basically we have only -- we've had one case
14 closed this year. There are no cases received;
15 there are no active investigations; we just
16 had the one case close this year.

17 **MR. CHAIRMAN:** Which was the one that reported to us
18 at the last Board meeting, I believe?

19 **MS. MOORER:** It was.

20 **INVESTIGATIVE REVIEW COMMITTEE REPORT:**

21 **MS. MOORER:** And there is no IRC report because no
22 more cases have come in, so we're quiet and
23 that is good.

24 **MR. CHAIRMAN:** That's good.

25 **OFFICE OF GENERAL COUNSEL REPORT:**

1 **MS. MOORER:** No cases in the Office of General
2 Counsel. No disciplinary so we're quiet on
3 that front.

4 **ADMINISTRATIVE REPORT:**

5 **MS. MOORER:** So I'm just going to move onto my
6 report here and I want to start with the 2012
7 CLARB spring meeting. We've already gone over
8 the international and foreign candidates, so
9 I'm just going to skip that. That was one
10 thing that we discussed, but I'm going to skip
11 that because we've already gone through that.
12 There were several issues that we discussed.
13 First was PLA designation and what this is, is
14 an effort by ASLA to have one uniform
15 designation for all landscape architects to
16 use. Right now it's all over the place. Some
17 people use LA, some people use RLA. They want
18 us to have one uniform designation that
19 everybody uses after their name and they chose
20 PLA, professional landscape architect, because
21 they felt like that was pretty uniform since
22 all 50 states require licensure now. They felt
23 like that was pretty uniform, whether they
24 defined it as a licensure law or a registration
25 law, which really those terms are used

1 interchangeably and I don't know if y'all
2 recall this but when we were at DNR, we were a
3 registration firm and when they changed our
4 law, they changed us to a licensure program.
5 That really didn't -- most people use RLA in
6 South Carolina but we were changed to a
7 licensure program in 2010. Some people still
8 use that RLA designation. It was really just
9 a wording change. It's not really substantive
10 but they decided PLA for professional landscape
11 architect, would just be something good and
12 uniform to indicate that people are licensed in
13 their jurisdiction. And of course we did have
14 some discussion about well, if somebody's
15 licensed in say, Georgia, and we find them
16 using PLA in South Carolina, is that a
17 violation of the title act. Well, the answer
18 would be yes, because they would be responsible
19 for using that designation only in states where
20 they're licensed. And I don't believe that is
21 a change from other designations that are used.
22 It had a lot of support. Nobody really had a
23 problem with it. I don't believe that it was
24 going to require -- I mean, maybe one or two
25 states might have said it caused -- a few

1 states said it had -- they had legislative
2 issues, that they might have to do some changes
3 in their law for the terminology.

4 **MR. TARKANY:** And they were willing to do it.

5 **MS. MOORER:** They were willing to do it but by and
6 large, it was supported. Everybody thought it
7 was a very good idea.

8 **MR. TARKANY:** They knew that ASLA's pushing it.

9 **MS. MOORER:** Yes, and this is actually an effort by
10 ASLA to get a universal -- somewhat universal
11 designation for everybody who's registered.
12 The next thing --

13 **MR. TARKANY:** One quick thing. On that second
14 paragraph where it says boards that requested
15 CLARB develop a model language, law -- it
16 leaves that word out, law. It was a model law
17 they have and it just says model language but
18 it should say model law. And people could use
19 that as a guide.

20 **MS. MOORER:** The next thing is on the change in LAAB
21 scope and I hate that Barry Anderson was not
22 able to join us today or at the spring meeting,
23 because I feel like his feedback on this issue
24 would have been valuable. And this was the hot
25 button topic that -- oh, this was the one that

1 people got very, very animated discussing, at
2 least in the group that I was in. What has
3 happened is there are two programs in
4 California. They aren't full degree programs.
5 They're certification programs. They want LAAB
6 accreditation and the question comes into play
7 if they got their accreditation, and people
8 applied for licensure, would we be able to
9 accept that education because it is not a four-
10 year degree program or a masters program. It's
11 just a certification program. It doesn't meet
12 the full qualifications of a degree program.
13 Would we accept it? And boy, the responses
14 were all over the place. I looked at our law
15 and by our law, it's not really an issue here
16 but by our law we could accept it if they were
17 accredited, because all our law requires is
18 LAAB accreditation, so we could accept it. But
19 there were some states that have laws that say
20 it has to be a four-year bachelors program and
21 that would -- that would affect them. They
22 would either have to change their law or turn
23 down these candidates and these programs in
24 California, they're in the first phases of
25 applying for accreditation. They're not very

1 far along at all. But their concern is if
2 people graduate from these programs, their
3 ability to get licensed, to have their
4 education count. Other responses, there were
5 some people who felt like it undermined masters
6 programs, because these certification programs
7 are usually people that are doing landscape
8 architecture as a second career. They may not
9 even have a bachelors degree. They said most
10 people going into these programs would probably
11 have a bachelors degree and some of the
12 responses were no, they won't. People with any
13 kind of a degree could go into a certification
14 program. Are they qualified to practice? It
15 was some very good questions and I'm interested
16 to see how this one pans out, because the
17 number one question was why are two programs in
18 California driving this initiative to get
19 certification programs accredited and then
20 putting states in the position where okay, what
21 are you going to do about your education
22 requirements if you require a four-year degree.
23 It doesn't really affect South Carolina and we
24 -- I have seen maybe two candidates from
25 California in the last five years. We could

1 still license them, but I think there was an
2 overall issue of education standards maybe
3 being undermined. There were some people that
4 had some very strong feelings on that and I
5 think the main question -- and I didn't really
6 hear the answer on whether or not they felt it
7 would undermine the masters degree programs.
8 I would love to hear Mr. Anderson's take on
9 this and I might run this back by him if I have
10 a chance to talk to him or even at the next
11 meeting, because I would really like to hear
12 from somebody in the academic community who
13 knows it from the inside and can say would
14 these certification programs undermine the
15 educational standards because of course, the
16 concern was if we allow these two programs to
17 push this initiative, more programs start
18 popping up across the nation and then it
19 becomes a nationwide issue of well, are we
20 going to allow certification programs to take
21 the place of bachelors and masters degrees,
22 because South Carolina just got -- did away
23 with the high school diploma requirement and
24 that was at the urging of the Senate. The
25 Senate actually told us why do you have this

1 high school graduation and eight-year
2 requirement. You should require a degree. I
3 mean, are people without a degree being hired
4 and ASLA said no, and they said take that out.
5 The Senate did not like that. And we had no
6 problem with removing that and requiring a
7 degree to get licensed and nobody on the Board
8 had a problem with it. The programs didn't
9 have and the professions didn't have a problem
10 with it. So I think there was some concern
11 about going backwards now. Most states require
12 a degree and if these certification programs
13 start getting accredited, they were afraid that
14 they would have a flood of people going into
15 second careers or, you know, that didn't want
16 to go through the four-year programs, and then
17 are they as qualified as people who did go
18 through the four-year programs or the masters
19 programs. So that's an issue I'm interested to
20 see how that one comes along.

21 **MR. TARKANY:** One of the issues that came out was if
22 they can pass the rest with that background,
23 then shouldn't they be allowed to practice.
24 I'm just saying that was one point of view.

25 **MS. MOORER:** It was.

1 MR. TARKANY: The test would capture any
2 deficiencies ideally.

3 MS. SIMPSON: So is this going to happen?

4 MR. TARKANY: I don't know.

5 MS. MOORER: We don't know.

6 MR. TARKANY: I doubt it.

7 MS. SIMPSON: I would see that as a precursor for --

8 MR. TARKANY: It would open up --

9 MS. SIMPSON: -- tons of certification programs that
10 --

11 MR. TARKANY: Yeah.

12 MS. SIMPSON: -- have no rigor or rigor that's
13 insufficient.

14 MR. CHAIRMAN: If that did happen you'd hope that
15 the testing process would --

16 MS. SIMPSON: But what if it doesn't?

17 MS. MOORER: I think --

18 MS. SIMPSON: I mean, you've got --

19 MR. CHAIRMAN: Do we need to strengthen the test
20 then?

21 MS. SIMPSON: -- what they call the three-legged
22 stool. You know, the education, exam and
23 experience and if -- if education is one of
24 them and you're saying you need a four-year
25 degree from a college or university, a

1 certification program is not the same unless --
2 unless they are assessing it based on
3 certifications, or accreditation standards for
4 the programs, but my guess is they're not.

5 **MS. MOORER:** I believe that one of the programs did
6 require that you already have a bachelors
7 degree before you could go in it.

8 **MR. CHAIRMAN:** Sherri, that truthfully is no
9 different than going into the masters program
10 at any of these -- for landscape architecture.
11 You can go -- you can have a background in art,
12 in math, in psychology and you can go to a two-
13 year masters program --

14 **MS. SIMPSON:** In landscape architecture.

15 **MR. CHAIRMAN:** -- in landscape architecture.

16 **MS. SIMPSON:** And you're saying you think that's
17 about equivalent to the certification?

18 **MR. CHAIRMAN:** No. No, I'm just saying you can't --
19 you can't sit there and say, you know, it's got
20 to be a four-year program, because you've got
21 people taking a masters that are only in it for
22 two years.

23 **MS. SIMPSON:** But is the masters accredited?

24 **MR. CHAIRMAN:** Yes.

25 **MS. SIMPSON:** So that's the key. I mean, it could

1 be a four-year accredited.

2 **MS. DUKES:** I can't see where LAAB wants to even do
3 that. I mean, it's a volunteer group that goes
4 and accredits these. I don't even think they
5 get their expenses paid.

6 **MS. MOORER:** Well, they said that these programs
7 have a large hurdle in front of them, and I
8 believe that LAAB has told them that there are
9 many, many things about their requirements for
10 these certification programs that are going to
11 have to change before they would even consider
12 them for accreditation. I believe that this
13 was just a, you know, early -- let us know
14 early this is on the horizon and it may
15 develop, it may not, but they wanted to let us
16 know it was happening and just to consider down
17 the road, are there any issues that the states
18 might have to face. The third thing that we
19 talked about were the exam requirements and as
20 you know, June is going to be the last
21 paper/pencil administration of the exam and
22 then they're going to the all-computerized
23 format in September of this year. CLARB is
24 going to require all candidates for that
25 computerized exam to establish council record

1 with them. It is going to actually be the
2 application to take the exam and they are
3 asking that state boards basically do not pre-
4 register candidates anymore, because they are
5 going to be doing that evaluation of education
6 and experience themselves and they believe that
7 will suffice in checking their qualifications
8 and hate to make them go through the extra
9 steps. So they are asking boards such as ours
10 that pre-register candidates to consider not
11 doing that anymore, since they are going to
12 require them all to have council records. I
13 mean, how would y'all feel about that because
14 our new law, it doesn't specifically say we
15 have to pre-register the candidates. We're
16 doing it because the old law required it. It
17 doesn't specifically say we have to pre-
18 register candidates, so since they have to
19 apply for a CLARB council record to take the
20 exam starting in September, do y'all believe
21 that they need to pre-register with us anymore?

22 **MS. DUKES:** If CLARB is going to impose the same
23 restrictions for that candidate who wants to be
24 licensed in South Carolina, but they're not.
25 I mean to sit for the exam, CLARB has no --

1 does not have the same requirements that our
2 state does and to require them to have a
3 council record, they're requiring another
4 annual fee. Now, I guess what the person could
5 do would be when they go to a state and get
6 licensed, they could drop their council record
7 and not continue to pay that annual fee. A lot
8 of states don't have -- we've got the
9 experience requirement before you sit for the
10 exam.

11 **MR. TARKANY:** Seems to me we have enough differences
12 between CLARB's requirements and what we have
13 as requirements that we should still --

14 **MR. CHAIRMAN:** Well, I would say the only way we'd
15 consider if CLARB asked for equal to or
16 exceeded our requirements. Other than that I
17 think we would still review them because our
18 qualifications are more stringent than theirs.

19 **MS. DUKES:** Let's say somebody, you know, I guess
20 people in North Carolina have been doing this
21 forever and I guess there are some that come to
22 us that go and take the exam in a state and get
23 licensed in Nevada or whatever and come here
24 for reciprocity. They've got to have the two
25 years experience but they've gotten it after

1 the exam. We've allowed them --

2 **MR. CHAIRMAN:** We can't stop them at that point.

3 **MS. SIMPSON:** But is that not the same sort of thing
4 so that, I mean, you're still responsible for
5 the license qualifications and to ensure that
6 they meet that, so what they're doing here is
7 applying to take the exam. And then if they
8 pass the exam and don't have the experience
9 requirements, you would deny them licensure
10 until they get it; right?

11 **MS. DUKES:** When -- how in our law or our regs does
12 it say the two years experience? Didn't we
13 look at that?

14 **MS. MOORER:** I think we looked at it briefly. We
15 looked at it briefly.

16 **MS. DUKES:** Seems like there was something weird
17 about -- or maybe there was not anything about
18 the --

19 **MS. MOORER:** Now, 40-28-30 requires under methods
20 one and two that they have to pass the exam
21 given by CLARB. Three and four does not
22 because to have gotten -- to get a license in
23 another state or to get CLARB certification,
24 you have to pass the exam anyway. That's part
25 of the requirements elsewhere and we're just

1 saying we'll accept it.

2 **MS. DUKES:** Y'all have streamlined it so much.

3 **MS. SIMPSON:** Well, other boards are doing the same
4 sort of -- I mean, it's just changed --

5 **MR. CHAIRMAN:** Allowing another --

6 **MS. SIMPSON:** -- everywhere. It's -- well, I think
7 it's probably more with architects than
8 engineers, but architects in various states are
9 allowing candidates to accrue work experience
10 out of high school.

11 **MS. MOORER:** The question is what are our
12 requirements --

13 **MS. SIMPSON:** And that can count.

14 **MS. MOORER:** -- regulation for people to take the
15 exam --

16 **MS. SIMPSON:** There you go.

17 **MS. MOORER:** -- in South Carolina. But I --

18 **MS. SIMPSON:** South Carolina law does not allow
19 that. All right. So if somebody is allowed to
20 take the exam early or earlier than what we
21 would allow, then they just aren't eligible
22 here until they've met the requirements.

23 **MR. TARKANY:** Well, they're talking about allowing
24 them to take certain sections or not the whole
25 test. Section one, they found that --

1 **MS. SIMPSON:** That's right.

2 **MR. TARKANY:** -- candidates do better --

3 **MS. SIMPSON:** Uh-huh (affirmative response). Right
4 out of school.

5 **MS. DUKES:** There are no experience requirements for
6 CLARB --

7 **MR. TARKANY:** No, no.

8 **MS. DUKES:** -- to take the exam, so they can take
9 the whole exam.

10 **MR. CHAIRMAN:** I would just say right now that we --

11 **MS. MOORER:** And 76-7 of our regulations, the
12 examination for landscape architecture shall be
13 the LARE or the examination offered by CLARB's
14 successor. The Board may approve and
15 administer all examinations or appoint
16 qualified representatives to administer the
17 exam. The examination shall test the
18 applicant's knowledge of landscape
19 architecture. To pass the examination an
20 applicant must achieve a passing grade on each
21 section. Scores from an individual section
22 cannot be averaged. I don't see anything in
23 law or in regulation that says they have to
24 meet the education or experience requirement to
25 take the exam.

1 **MS. DUKES:** I would get legal to look at that.

2 **MR. SPOON:** That may be an impediment to licensure
3 even if there's no prerequisite to take the
4 exam initially. It wouldn't necessarily be
5 qualifying for licensure --

6 **MS. DUKES:** Yeah.

7 **MR. SPOON:** -- which is the Board's purview.

8 **MS. DUKES:** As long as there's nothing in our law
9 that prohibits it, so be it.

10 **MR. SPOON:** Common sense might prohibit it.

11 **MS. DUKES:** I mean, if they pass it, you know. We
12 have the two-year rule because we felt like,
13 you know, you passed and your success rate is
14 going to be, you know, a lot higher and you
15 retain that knowledge a little bit closer to
16 the time that we're allowing you to get out
17 there and hang your own shingle up.

18 **MR. TARKANY:** I think the intent of CLARB is that it
19 would allow them to begin taking that first
20 section, not necessarily the entire test. That
21 was the intent.

22 **MR. CHAIRMAN:** Moving on. Continuing ed, are we
23 going to talk about that one?

24 **MS. MOORER:** Continuing education requirements, they
25 are just looking at those. They're looking at

1 doing something similar to what the architects
2 do, which I believe AIA, didn't they want to
3 establish a nationwide uniform date for
4 reporting that?

5 **MS. SIMPSON:** No. Huh-uh (negative response). It
6 was to disassociate the expiration date of the
7 license from the period of time during which
8 the continuing education is obtained. Took me
9 a while to wrap my head around that one. So
10 for architects in South Carolina, they renew on
11 June 30th and they have to have 24 hours of HSW
12 continuing education over a two-year period.
13 That two-year period would be they renew in
14 June 2013, so if this were in effect they would
15 have to have their CE in 2011 and 2012. So
16 from January to June of 2013 is the next
17 renewal period. And what it does, if you look
18 at it this way, if everybody got 12 hours of
19 health, safety, welfare CE a year, a calendar
20 year, they would meet 30 out of the 50-
21 something requirements and in many of those
22 states, they don't even have that many
23 requirements. Like Texas is moving. They were
24 the low people. They were eight so they're
25 moving to 12. But so all you -- so all a

1 person who's licensed in 30 states has to do is
2 get 12 every year and regardless of when that
3 state renews or whether it's annual, biannual
4 or triannual, they meet the qualifications so
5 it's a simplification and it's really done for
6 the purpose of the people who are licensed in
7 multiple states.

8 **MS. MOORER:** And it looks like they're looking at
9 something similar for landscape architects as
10 well, although they're in the -- they're in the
11 study phase right now. Now, our requirements
12 are 20 CEUs every two years, so that is -- this
13 is 12 annually so we come in a little bit under
14 that.

15 **MR. CHAIRMAN:** But for us to have to do that, we'd
16 have to go back and get the law changed;
17 correct?

18 **MS. MOORER:** We would. We would.

19 **MR. CHAIRMAN:** Let's let them beat that one for a
20 while and then we'll address it if it happens.

21 **MS. MOORER:** I think that's a good idea.

22 **MS. SIMPSON:** And I think CLARB and NCEES are kind
23 of looking at it in terms of what is NCARB
24 going to do, because 11 states' boards of
25 architecture have already changed. They are

1 people who can change it just by rules and so
2 I think if it goes that way, if the majority of
3 the states eventually do it, I think CLARB and
4 NCEES have indicated at the leadership level
5 that they are interested in following that
6 model maybe.

7 **MS. MOORER:** The model law regulations for the --
8 just looking at what's on the table right now
9 to see if they need to make updates to their
10 model law and regulations especially, in
11 regards to some of the issues we've discussed,
12 PLA designation, eligibility for the exam and
13 the definition of welfare. So the board of
14 directors is looking at the potential changes
15 and that's model law, so that doesn't really
16 have an effect. It's just to give an idea what
17 the general standards are nationwide. The exam
18 transition, we've touched on this a little bit
19 and of course, it's going all computerized in
20 September 2012. South Carolina doesn't have a
21 tremendous number of exam candidates so not a
22 lot of people have been affected by this
23 transition. Of course, the exam is going from
24 a five-section format to a four-section format
25 and section D is being split between the two

1 design sections or rather, not really split but
2 incorporated into the two vignette sections
3 that will be given in June and December. So
4 basically to get credit for the vignette
5 sections, candidates had to pass sections C, D
6 and E. So for people who did not pass D but
7 had passed C or E, that means they're going to
8 have to retake in December. Now, I got
9 something from CLARB last week that said they
10 were going to offer candidates who took the
11 exam in March and did not pass D but had passed
12 C or E, they were going -- since they could not
13 carry that credit over, they were going to
14 offer those candidates the opportunity to take
15 both sections for the price of one since they
16 were basically losing credits. So that
17 affected one person in South Carolina but I'm
18 sure that one person was --

19 **MR. CHAIRMAN:** Was a happy person.

20 **MS. MOORER:** That one person will be glad to know
21 that they will be able to basically take two
22 sections for the price of one. Unfortunately
23 --

24 **MR. TARKANY:** I don't know this person, do I?

25 **MS. MOORER:** I don't think so. It's somebody here

1 in Columbia. But it was -- and I had a few
2 calls, especially after I got the March grades
3 back from people that said, well, you know, I
4 passed A and B. What does that mean? Or, you
5 know, I passed C and E but I didn't pass D.
6 What does that mean? Or I passed D and E, but
7 I didn't pass C, so what do I need to do? And
8 I've been advising them the best way that I
9 could. There were not a lot of people that
10 were caught in that transition, but I was happy
11 to find out that they were going to offer some
12 sort of financial break for people who were
13 losing credit in December but it's only good
14 for December. So they have to take it in
15 December to get that credit or it goes away.
16 The welfare outreach, we did some brainstorming
17 about how to get the definition of welfare out
18 there and trying to make people more aware of
19 it. We were going to talk more about that in
20 September on how to get that out there and make
21 people more aware of it. It was an extensive
22 effort and I think that it's great that they've
23 got a definition in place. I believe this
24 might be the only profession that does have a
25 definition of welfare --

1 **MR. CHAIRMAN:** Pretty good.

2 **MS. MOORER:** -- in place and it's very good. It is
3 very good. We put it on our website. I'm
4 going to incorporate it into our summer
5 newsletter. Unfortunately that summer
6 newsletter is being held up because I am
7 waiting for CLARB to release information on the
8 new exam and they are not going to release that
9 information until later this month or perhaps
10 into June. They wanted to wait to release new
11 exam information until after the deadline for
12 the June exam had passed, which is this Friday.
13 I think that's a little late and we talked to
14 them about that, about wanting to get
15 information out, but they did not want to
16 confuse candidates who were sitting in June so
17 they wanted to wait until registration closed
18 and they said more information will be
19 forthcoming. I know they have new practice
20 exams. It's just a matter of making them
21 accessible because when I put out the
22 newsletter, I want to be able to put here is
23 where you can go to get it. So that's what I'm
24 waiting on.

25 **MR. CHAIRMAN:** And you don't have that link that

1 they can go to yet?

2 **MS. MOORER:** They don't have the link up yet.

3 **MR. CHAIRMAN:** Can you put on there to check back on
4 LLR's website or something for the updated
5 link, to not hold you up?

6 **MS. MOORER:** I am -- I am going to put it on our
7 website and they said to give them this month,
8 so I'm going to give them this month.

9 **MR. CHAIRMAN:** The month has just started.

10 **MS. MOORER:** We've got -- we've got to get a
11 newsletter out, so I'm going to start drafting
12 that newsletter this month and if it goes up in
13 June, if they don't have their links live by
14 then, I'll put something in the newsletter that
15 says check back to our website because I --

16 **MR. TARKANY:** That's for practice exams?

17 **MS. MOORER:** We usually put out our newsletters in
18 May or June and if I start a draft now, we
19 could probably have it up in June. Hopefully
20 they will have their information up by then,
21 but if not I'll let people know to just check
22 back with us.

23 **MR. CHAIRMAN:** All right.

24 **MS. MOORER:** And the CLARB council record, they're
25 trying to broaden the utilization of the

1 records and let it serve as a uniform
2 application. You know, we accept CLARB council
3 records. If people apply for registration and
4 they have a CLARB council record, if they want
5 to transmit it to us as part of their
6 application we accept it.

7 **MR. CHAIRMAN:** What's interesting is Tennessee only
8 accepts that. They won't --

9 **MS. MOORER:** Some states do.

10 **MR. CHAIRMAN:** They will not accept anything but
11 that.

12 **MS. MOORER:** Mississippi is the same way.

13 **MS. DUKES:** So is Arkansas.

14 **MS. MOORER:** There are some states that require you
15 to have a CLARB council record to get licensed.
16 South Carolina has never gone that way. We
17 have believed up until this point because of
18 the financial burden of having a council
19 record, it should be optional but it does help
20 speed up the application review process if they
21 have it, because CLARB does an awful lot of
22 that work up front and it's right there in
23 front of you. It makes the research a lot
24 easier. And now that I have said that we
25 believe it should be optional, I want to tell

1 you that CLARB would like to encourage all
2 board members to establish a CLARB council
3 record.

4 **MR. CHAIRMAN:** If CLARB would be so nice as to give
5 all council -- or Board members a free one, we
6 would be more than happy to pursue that.

7 **MS. MOORER:** We discussed that option and I believe
8 there were some concerns. I'd have to run it
9 by legal.

10 **MR. CHAIRMAN:** I'm saying that tongue in cheek.

11 **MS. MOORER:** Every state said we've got to run it by
12 legal to see if it was ethical, because of
13 course accepting -- is that accepting a
14 service? You know, can you do that?

15 **MS. SIMPSON:** You don't regulate CLARB though so.

16 **MS. MOORER:** That was a question a lot of states
17 had. That was thrown out there as a proposal.
18 What if we offered it to board members for
19 free? And every person in my position put
20 their hands up and said I need to check with
21 legal to make sure they could ethically accept
22 that from you. I haven't really followed up on
23 it because they have not followed up on it and
24 let us know if that's something they're
25 interested in doing.

1 **MR. TARKANY:** So we think it should be optional.

2 **MS. MOORER:** Let's see, I am looking for when the
3 next -- I believe that the CLARB national
4 meeting is in San Francisco September --

5 **MS. DUKES:** September 6th through the 8th.

6 **MS. MOORER:** -- 6 through 8. I knew I had it in here
7 somewhere. It's the 6th through the 8th. They
8 don't really have any specific information out
9 there yet as to, you know, specifically where
10 they're going to have it, but just think about
11 it and we'll talk at the July meeting. More
12 information will be available by then so think
13 about if you would like to attend that meeting
14 and just let me know, and we'll get you set up
15 for that. I imagine information will be coming
16 out in May or June regarding that meeting.
17 They're getting their presenters together right
18 now, but as far as Board members and staff
19 traveling, I haven't heard anything specific
20 yet. Just those are the dates and that's where
21 they're going to have it, so just think about
22 if you'd like to go and let me know and we'll

23 --

24 **MR. CHAIRMAN:** Jan, are you going?

25 **MS. SIMPSON:** I think Sherri's going.

1 **MR. CHAIRMAN:** Are you going, Sherri?

2 **MS. MOORER:** If the Director gives the okay. We
3 have a new Director now.

4 **MR. CHAIRMAN:** How was your first flight?

5 **MS. MOORER:** It was -- you know, it was good
6 actually. It didn't bother me at all. I
7 learned not to wear high heel boots at Miami
8 International Airport. That airport must be
9 about 12 miles long and I walked every inch of
10 it.

11 **(Off the Record)**

12 **MR. CHAIRMAN:** Jan, have you got anything?

13 **MS. SIMPSON:** No, I don't.

14 **MR. CHAIRMAN:** Any Board member reports?

15 **BOARD MEMBER REPORTS:**

16 **MS. MOORER:** Just the standard to let you know some
17 things that are in the State House. We have
18 got Bill S955 that was presented on June 2nd to
19 add our reinstatement fee to our list of fees.
20 There has -- nothing has happened with that.
21 I think they forgot about it. They can.
22 That's okay. We're not going to complain
23 because the fee's already in regulation and the
24 regulations passed, so it's really not -- I
25 think that was a convenience thing for them.

1 I think they thought they could get that
2 through and clean it up, but fees are being
3 picked apart in the Legislature right now and
4 I think pretty much if it isn't actively on the
5 radar, nobody's going to remind them that it's
6 out there. I don't plan to. The next thing is
7 the repeal of our old regulations. They were
8 supposed to take this up this morning, but a
9 staff member forgot to put it in their packets
10 so they did not discuss it. But that's okay
11 because they time out on June the 6th and the
12 clock's still ticking, so actually if they
13 don't take it up it works to our advantage
14 because that means it'll automatically pass.
15 And this is a repeal. This is just taking away
16 the old ones. I don't foresee any issues with
17 this. If they meet on it, I'll let you know
18 what happens. I think it's just more they like
19 to take up these regulations at least one time
20 before they time out. One of the House members
21 said something earlier this year. I went with
22 the Soil Classifiers and he said there had been
23 a complaint that too many regulations were
24 passing without anybody looking at them, so
25 they were being encouraged to at least take

1 them up in subcommittee one time before the
2 time-out date. And we've got until June 6th.
3 We've got time on our side. This is non-
4 controversial. We've got our law. We've got
5 our new regs. I don't think this will be a
6 problem. Licensure statistics, we have issued
7 12 licenses and reinstated one since our last
8 meeting. We have 49 active exam candidates,
9 127 firms and 637 active landscape architects.
10 And your financial reports are in your meeting
11 packets and have also been put on the secure
12 website. I won't go through everything.
13 Somebody was complaining the other day they
14 went to a meeting and somebody spent an hour
15 going through the financial reports. Here's
16 your financial report: You have a balance of
17 \$220,313.28 as of -- it looks like -- March
18 31st. The April reports haven't come out yet.
19 That's your bottom line. And I believe for
20 travel they fund two members; right? Two Board
21 members and Mr. Tarkany is funded, so that
22 means two more people can go.

23 **MS. SIMPSON:** Plus the administrator.

24 **MS. DUKES:** Barry's out since he's not here today.

25 **MS. MOORER:** We'll discuss it again in July. We

1 should have more information then, but just
2 think about if you'd like to go.

3 **MR. CHAIRMAN:** Okay.

4 **MS. MOORER:** You learn a lot and it's good to get a
5 chance to meet people from other boards and
6 just talk to them and find out how they do
7 things.

8 **MR. TARKANY:** They put you to work there too.

9 **MS. MOORER:** They will. They will. They make you
10 think.

11 **MR. CHAIRMAN:** Anything else?

12 **MS. MOORER:** That's my reports.

13 **MR. CHAIRMAN:** Being there is no public present, we
14 have no public comments. Executive session is
15 not needed. Next meeting of the South Carolina
16 Board of Landscape Architecture will be July
17 18th, 2012 at the Synergy Business Park, 10
18 a.m., 110 Centerview Drive, Room 204.
19 Anything else?

20 **MS. DUKES:** I make a motion to adjourn.

21 **MR. CHAIRMAN:** I have a motion to adjourn. Second?

22 **MR. TARKANY:** Second.

23 **MR. CHAIRMAN:** So moved.

24 **(There being nothing further, the meeting concluded**
25 **at 3:05 p.m.)**

CERTIFICATE

This is to certify that the within Board Meeting consisting of One Hundred Nine (109) pages, is a true and correct transcript of the testimony given; said hearing 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 May 15, 2012.



Reba C. Hayes
Certified Court Reporter

Notary Public for South Carolina
My Commission Expires: June 21, 2012