

STATE BOARD OF ARCHITECTURAL EXAMINERS

BOARD MEETING MINUTES

May 7, 2009

Suite 202-02, 110 Centerview Drive

Columbia, SC

The State Board of Architectural Examiners convened May 7, 2009, in Columbia, South Carolina. Chairman Stephen Russell called the meeting to order at 9:45 a.m. The following persons attended the meeting:

Stephen Russell	Chairman
Dennis Ward	Member
W. Barry Jenkins	Vice-chairman
Brad B. Smith	Member
C. Tyson Nettles	Public Member
Sharon Dantzler	Advice Counsel
Jan B. Simpson	Administrator
Alice Richardson	Administrative Assistant

Administrator Simpson stated the **public notice** of the meeting was properly posted at the Board office and provided to organizations and news media in compliance with Section 30-4-80 of the S.C. Freedom of Information Act. A quorum was present at all times.

Member Jose Caban notified the Administrator in advance that he would be unable to attend the meeting.

Michael G. Kirby, Executive Director, AIA/SC, joined the meeting.

Minutes: Motion by Ward, Second by Smith: To accept the **Minutes** of the January 14, 2009, meeting. Motion carried.

Application for Licensure – Motion by Jenkins, Second by Smith: To approve the application submitted by **William B. Lindsey** for initial licensure in South Carolina by transfer of completed ARE exam scores from the California Architects Board. Mr. Lindsey meets South Carolina requirements for licensure. Motion carried.

Application for Licensure – Motion by Jenkins, second by Ward: To approve the application submitted by **Simons W. Young** for initial licensure in South Carolina by transfer of completed ARE exam scores from the California Architects Board. Mr. Young meets South Carolina requirements for licensure. Member Jenkins noted for the record that the Board did not accept the time submitted for experience gained at the Charleston Civic Design Center noted in his IDP record. Motion carried.

Investigative Review Committee (IRC) Professional Members: Motion by Jenkins, Second by Smith: To ask the current members of the IRC, Don Golightly and Steve Usry, to continue in their

role for another year. Both had previously indicated they wished to continue serving. The Board asked Administrator Simpson to recommend at the next meeting an individual to serve as an alternate member to the IRC. Motion carried.

The Board held a Disciplinary Hearing for **Gregory Pickett, Case #2007-12**, and an application hearing for reinstatement of the firm license for **Architectonics**. A court reporter was present to transcribe the hearings.

Motion by Jenkins, Second by Ward: To issue a Final Order to **Mr. Pickett** indefinitely suspending his license to practice as an architect in this state. The suspension shall be stayed, and Mr. Pickett's license reinstated upon the compliance with the following conditions: Payment of a fine in the amount of \$3000.00, enrollment into, and successful completion, at his own expense, of a course(s) in Architectural Practices, Record Keeping, and/or Office Organization, and a course(s) in Construction Administration, for a total of not fewer than six (6) hours of health, safety, and welfare learning units. These courses must be approved by the Board in advance. Mr. Pickett shall promptly advise the Board in writing of any changes in address, practice, professional status, or compliance with this Final Order. Motion carried.

Motion by Nettles, Second by Jenkins: To issue an Order to **Architectonics** to be granted a Certificate of Authorization upon the following conditions: payment of all fees associated with the application for reinstatement and payment of a fine of \$2000.00. Motion carried.

Motion by Ward, Second by Jenkins: To accept the signed Consent Agreement between **Dolphin Architects & Builders** and the Board, Case #2007-10, regarding practice while the firm's license was lapsed. Motion carried.

Member Smith left the meeting.

Violations Report:

Motion by Ward, Second by Jenkins: To accept the IRC recommendations on the following cases. Motion carried.

Case Number	Action
2008-5	Dismiss
2008-6	Dismiss
2008-9	Dismiss
2007-17	Formal Complaint
2008-13	Formal Complaint
2008-15	Formal Complaint
2009-3	Formal Complaint

Administrator Simpson introduced LLR employees Angie Scott and Sandra Dickert to the Board. They will be responsible for transcribing the meeting minutes beginning with the November meeting.

Policy for Posting Disciplinary Actions: Motion by Jenkins, Second by Nettles: To accept the policy for posting disciplinary actions to the web with the following amendment; to remove “for an indefinite time period” and replace with “permanently”. Motion carried. The policy will read as follows:

Policy for Posting Disciplinary Actions

Administrative based violations will be posted on the Board website for five years; practice based violations will be posted on the Board website permanently.

Regulation Proposed Revisions: Motion by Jenkins, Second by Ward: To accept the revisions to the Regulations (see attachment). Motion carried, one opposed.

Construction Administration: The Board accepted as information the Laws and Regulations from the West Virginia Board regarding Construction Administration.

Election of Officers: Motion by Jenkins, Second by Nettles: The following were elected to serve as officers of the Board effective July 1, 2009, through July 1, 2010. Motion carried.

Dennis Ward, Chair
Jose Caban, Vice-Chair
Brad B. Smith, Secretary

Disciplinary Parameters: Motion by Ward, Second by Jenkins: To accept the parameters as amended. Motion carried. (Updated parameters are attached.)

Request for Waiver of CE - Thomas J. Lodge: Motion by Jenkins, Second by Nettles: To grant a time extension of 12 months for obtaining the continuing education requirements rather than grant a waiver. Mr. Lodge will have 12 months, starting in September 2009, to obtain 12 hours of continuing education in health/safety/welfare topics. All of his CE requirements must be brought current no later than September 30, 2010. Motion Carried.

Administrator’s Report:
Key to chart below:

Number of Credentials by Prefix, Subcategory and Status
Board: Board of Architectural Examiners
Credential: AR .E Emeritus Architect
Credential status: ACTIVE , ACTIVE IN RENEWAL
as of 5/1/2009
Query Report: 1764

Type	Count
AR	39
subtotal	39

1 items

Number of Credentials by Prefix, Subcategory and Status
Board: Board of Architectural Examiners
Credential: AR . Architect
Credential status: ACTIVE IN RENEWAL
as of 5/1/2009
Query Report: 1764

Type	Count
AR	3541
subtotal	3541

1 items

Number of Credentials by Prefix, Subcategory and Status
Board: Board of Architectural Examiners
Credential:
Credential status: ACTIVE
as of 5/1/2009
Query Report: 1764

Type	Count
ARA	17
ARB	213
ARC	99
ARD	31
ARF	921
subtotal	1281

5 items

After several meetings with the Renewals Division staff of the Office of Licensure and Compliance, we turned over processing of architect renewals for the upcoming biennial period of July 1, 2009 to June 30, 2011. Renewals with "yes" answers to questions will be handled by Alice Richardson and Administrator Simpson. In-state fees remain the same but out-of-state architects will pay a reduced fee of \$130.00 (previously they paid \$85 annually). The continuing education audit will still be handled by Alice and will be conducted in August or September.

Administrator Simpson asked how the Board wished to handle carryover hours for the new biennial renewal period. The Board unanimously agreed that the carry over for CE be doubled to 24 hours due to the biennial renewal cycle.

{End of Administrator's Report}

The Board accepted as information the **Financial Report** for the period ending March 31, 2009.

The Board accepted as information letter received from **Clay Wine** regarding the November 13th meeting.

2010 Meeting Dates: The Administrator will set dates for the 2010 meetings and forward to Board for their approval.

The **phone listing** for the Office of Licensure and Compliance (OLC) was submitted to the Board for their information.

Budget: The Board accepted as information a letter from Adrienne Youmans, Director of LLR, to Senator Larry Martin regarding the **budget** debate in April.

Immigration Funds Shortfall: A news article regarding the Senators dispute immigration funds shortfall was presented to the Board per instructions from Randy Bryant, Program Manager, Office of Building and Business Services. The board accepted this as information.

The Board discussed the Chairman's concerns regarding **Mandatory Errors and Omissions Insurance**. The Board noted that obtaining such insurance and other business-related matters could not be regulated by the Board since these issues fall outside of the Architecture Statutes.

The Board opposes any legislation requiring licensure of **interior designers**.

The Board accepted as information the **2009 Resolutions** which will be voted on at the NCARB Annual Meeting in Chicago, Illinois.

Report on Continuing Education: Jenkins asked that this topic be carried over to the September meeting so that Michael G. Kirby, Executive Director, AIA/SC, could participate in the discussion.

The Board designated Dennis Ward to assist staff when needed on issues related to review and clarification of CE inquiries and acceptance of activities submitted for audit.

Update on School of Architecture: Since Caban was unable to attend the meeting, this item will be carried over to the September meeting.

Report on ARE: Ward reported that the ARE 4.0 examination will become effective for all candidates on July 1, 2009. He noted that there has been an increase in the number of cheating problems associated with the exam which are being aggressively pursued by NCARB. If the problems persist, NCARB could suspend the affected divisions or the entire exam for a year. An NCARB article relating to cheating problems will be posted on the Board website. Administrator Simpson was asked to contact AIA and ask that they post the same article to their website as well.

Non-Agenda Item – The Board will look into holding a **recognition dinner** for past members of the Board whose terms expired within the last couple of years.

2009 Board Meeting Dates: September 22nd and November 17th.

Board of Architectural Examiners
Meeting Minutes
May 7, 2009

There being no further business, the meeting adjourned at 3:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Alice Richardson". The signature is written in black ink and extends to the right with a long horizontal stroke.

Alice D. Richardson
Administrative Assistant

CHAPTER 11.
DEPARTMENT OF LABOR, LICENSING AND REGULATION-- STATE BOARD OF ARCHITECTURAL
EXAMINERS

(Statutory Authority: 1976 Code Sections 40-3-60 and 40-1-70)

11-1. Definitions.

Definitions found in Section 40-3-20 apply to this chapter.

- (1) "IDP" means the Intern Development Program established by the National Council of Architectural Registration Boards.
- (2) "NCARB" means the National Council of Architectural Registration Boards.
- (3) "NAAB" means the National Architectural Accrediting Board.
- (4) "A.R.E." means the Architect Registration Examination.
- (5) "Continuing Education Hour" means one (1) contact hour of participation in a continuing education activity.
- (6) "Contact hour" means a minimum of fifty (50) minutes of instruction.

11-2. Officers.

A. Officers of this Board shall be chairman, vice-chairman, and secretary and shall be elected annually. The chairman shall exercise general supervision of the Board's affairs, except such as are placed under the Director of the Department of Labor, Licensing and Regulation, and shall preside at all meetings of the Board when present. The vice-chairman shall possess all the powers and perform all the duties of the chairman in the event of the absence, disability, refusal or failure to act of the chairman. The secretary shall act as its recording secretary; cause written minutes of every meeting of this Board to be kept in the Book of Minutes; affix the Board's Seal to such instruments as require it; and sign all instruments and matters that require attest or approval of this Board.

B. No members may serve more than two (2) consecutive one-year terms in the office of chairman or vice-chairman, but election to fill an unexpired term shall not bar the serving of two (2) succeeding terms. A member must have served one (1) calendar year on the Board to be eligible for the office of chairman and vice-chairman.

11-3. Meetings.

Notice of all meetings shall be mailed distributed to each member at least five (5) days in advance of such meeting, giving time, place, and general purpose of the meeting. The Annual meeting shall be held within ninety (90) days of the end of the fiscal year. Public notice of the meetings shall be made in accordance with the Freedom of Information Act.

11-4. Seal of the Board.

The Seal of the Board shall be circular in shape and 1 3/4 inches in diameter. Concentric with the outside of the seal there shall be a circle of 1 3/16 inches in diameter, in which there shall be the Seal of South Carolina. In the annular space between the circle and the outside of the Seal there shall be the following inscription: "Seal of South Carolina Board of Architectural Examiners".

11-5. Applications and Fees.

Board of Architectural Examiners
Meeting Minutes
May 7, 2009

A. All applications must be accompanied by an application fee in the form of a check or money order made payable to South Carolina Board of Architectural Examiners. Applications will be reviewed by the Board within ninety (90) days of receipt. If after review by the Board an application is approved, the applicant shall be advised in writing.

B. The Board may charge the following fees:

Application Fee

Individuals Not to exceed \$150

Firms Not to exceed \$150

Examination Not to exceed \$150

Annual fee Not to exceed \$150

Renewal Fees - Individuals

In-state Renewal Fee (annual) Not to exceed \$150

Out-of-state Renewal Fee (annual) Not to exceed \$200

Late Renewal Penalty Fees Not to exceed \$200

Renewal Fees - Firms Not to exceed \$150

Late Renewal Penalty Fees Not to exceed \$200

Miscellaneous

File Transfer Not to exceed \$ 50

Duplicate Wall Certificate Not to exceed \$ 50

Roster Not to exceed \$ 50

11-6. Registration by Examination.

~~A. Applicants must have first satisfied the education and experience requirements as set forth in Section 40-3-230 to be eligible to take the examination. Applicants must have completed a professional degree in architecture from a school or college program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) as set forth in Section 40-3-230 and must have completed all requirements of the Intern Development Program (IDP) prior to licensure. Applicants may begin taking the Architect Registration Examination prior to completion of IDP but may not be licensed until evidence of completion of all training requirements is submitted to the Board.~~

(1) Education. An official school transcript shall serve as evidence of attainment of a professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB).

(2) Experience. Only a verified Council Record issued by the National Council of Architectural Registration Boards (NCARB) will be accepted as evidence of completion of all training requirements established for the Intern Development Program (IDP). ~~An NCARB Council Record must be initiated by the applicant in writing at least one (1) year prior to application to take the examination.~~

(3) Examination. The National Council of Architectural Registration Boards (NCARB) Architect Registration Examination (A.R.E.) will be administered to all qualified candidates for initial architectural registration in a manner and place prescribed by NCARB or the Board. Candidates must comply with all NCARB requirements. Examinees must pay all applicable examination fees. ~~Candidates must wait six~~

Board of Architectural Examiners
Meeting Minutes
May 7, 2009

~~(6) months before retaking failed divisions.~~ Examinees will not have access to the machine-graded NCARB examinations, answers, or other related documents for reviewing, copying, or other purpose.

B. Applicants for registration by examination who pass the A.R.E. will be notified accordingly. ~~and upon determination by the Board that the~~ Once a candidate satisfies all licensure requirements as set forth in Section 40-3-230, he or she will be issued a license to practice architecture in South Carolina during the current year. licensure period.

11-7. Registration by Reciprocity.

A. Any individual holding a current, active, and unrestricted license for the practice of architecture from another state or territory and holding a certificate of qualification issued by the National Council of Architectural Registration Boards (NCARB) may, upon application and within the discretion of the Board, be licensed without written examination.

B. Applicants who receive favorable action will be notified accordingly, and upon payment of the annual fee as determined by the Board, will be issued a license to practice architecture in South Carolina during the current licensure period year.

11-8. Renewals.

A. Certificates of Registration issued to individuals expire ~~annually~~ biennially on June 30. They must be renewed ~~annually~~ for the following ~~fiscal year~~ licensure period by payment of the renewal fee and by reporting completion of the required continuing education hours on or before July 1. Certificates shall become invalid after that date unless renewed.

B. Certificates of Authorization issued to firms expire ~~annually~~ biennially on ~~December 31.~~ August 31. They must be renewed ~~annually~~ for the following ~~calendar year~~ licensure period by payment of the renewal fee on or before ~~January 1~~ September 1 and shall become invalid after that date unless renewed.

C. Lapsed Certificates may be reinstated by the Board at any time during the remainder of the following year licensure period on demonstration of qualification and payment of the ~~annual~~ renewal fee plus late penalties. In case of failure to reinstate by the end of the licensure period ~~within a year from the date of~~ expiration, the Certificate cannot be reissued except by a new application accompanied by the application fee and approval by the Board.

11-8.1. Continuing Education.

A. These requirements shall apply to every South Carolina registered architect as a condition for renewal of registration ~~on an annual basis.~~

B. Exemptions: A registrant may be exempt from the continuing education requirements for one of the following reasons:

(1) A first-time new registrant by examination or reciprocity will be exempt for the first renewal.

(2) Registrant is a civilian who serves on active duty in the Armed Forces of the United States for a period of time exceeding ~~ninety~~ 180 consecutive days during the ~~annual report~~ licensing period.

~~(3) Registrants are non-residents of South Carolina and are required to obtain continuing education hours for license renewal by the licensing authority of any state in which he or she is registered. If the Board determines the continuing education requirements are substantially equivalent to those of South Carolina, the Board may accept a statement of compliance from the registrant.~~

~~(4)~~ (3) Hardship cases may be considered on an individual basis.

~~(5)~~ (4) Emeritus architects will be exempt from the continuing education requirements.

C. Requirements.

Board of Architectural Examiners
Meeting Minutes
May 7, 2009

(1) Each South Carolina Registered architect shall complete a minimum of twenty-four ~~twelve~~ continuing education hours ~~of structured course study~~ each biennial licensure period ~~fiscal year~~ in topics related to safeguarding life, health, property and promoting public welfare.

~~(2) A minimum of eight continuing education hours shall be in structured course study and a maximum of four continuing education hours may consist of non-structured study. Structured course study shall consist of participation in education activities presented by individuals or groups qualified by professional, practical, or academic experience to conduct courses of study.~~

~~(3) Topics for the twelve continuing education hours shall meet the following requirements:~~

~~(a) A minimum of eight continuing education hours shall include the study of relevant technical and professional architectural subjects related to safeguarding life, health, property, and promoting the public welfare.~~

~~(b) A maximum of four continuing education hours may consist of elective topics related to any other area in the practice of architecture.~~

(4) Each registrant shall submit, on a form provided by the board, a signed affidavit attesting to the fulfillment of continuing education requirements during the preceding period ~~of one fiscal year ending June 30. The first report will be due before June 30, 2003. Reports will be due with each renewal thereafter. Carry-over of a maximum of twenty-four continuing education hours per renewal period is permitted. Carry-over of a maximum of twelve continuing education hours for one year is permitted.~~

(5) Each affidavit may be subject to audit for verification of compliance with requirements. Registrants shall retain proof of fulfillment of requirements for a period of ~~one year~~ two years after submission in the event the affidavit is selected for audit. Registrants must comply with audit deadlines and requirements.

(6) The Board may disallow claimed credit for continuing education hours. The registrant shall have one hundred eighty calendar days after notification of disallowance of credit to substantiate the original claim or earn other continuing education credit which fulfills minimum requirements.

D. Noncompliance and Sanctions. Failure to fulfill the continuing education requirements, ~~or to file the required annual report, properly completed and signed, or to comply with audit and verification requests~~ shall be considered a violation of the Architectural Registration Law.

11-9. Duplicate Certificates.

A lost or destroyed Certificate may be replaced upon written request accompanied by the appropriate fee. Such Certificate shall bear the same date and number as the original and shall be marked "duplicate."

11-10. Practice of Firms.

A. A firm engaged in the practice of architecture in South Carolina must employ one (1) or more persons registered to practice architecture in South Carolina who are in full authority and responsible charge of the firm's architectural practice. Persons in full authority and responsible charge shall mean regularly employed persons who are in unrestricted, unchecked, and unqualified command of, and legally accountable for, the actions of such architectural practice.

B. An architect registered in South Carolina shall be responsible for complying with these regulations as they may apply to any association or joint venture with another architect or architects.

C. Each office maintained for the preparation of drawings, specifications, reports, and other professional work shall have an architect duly registered with this Board, in full authority and responsible charge, having direct knowledge and supervisory control of such work.

D. Each firm shall provide and maintain the current mailing address and physical address of its main office ~~and each office located in South Carolina.~~

Board of Architectural Examiners
Meeting Minutes
May 7, 2009

11-11. Seals.

A. The ~~personal~~ seal and signature of the architect in responsible charge and the architectural firm's seal shall appear on all architectural documents to be filed for public record and shall be construed to obligate the architect and the firm. A firm seal alone is insufficient; documents shall be signed personally and sealed by the responsible architect. Record documents used for obtaining building permits (~~not tracings, etc.;~~) shall be so signed. The signing and sealing of the index sheet(s) or the title page of specifications shall be considered adequate.

B. An architect shall not affix, or permit to be affixed, the architect's seal or name to any plans, specifications, drawings, or other related documents which were not prepared by the architect or under the architect's direct responsible charge. Architects shall not use their seal or perform any other service as an architect unless holding at the time a current Certificate of Registration.

C. Description of Registrant's Seal. The seal shall be circular in shape and 1 3/4 inches in diameter. Concentric with the outside of the seal there shall be a circle 1 3/16 inches in diameter; in the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" at the top and "Registered Architect" at the bottom. The name of only one (1) architect, business location, and registration number shall be placed within the inner circle.

D. Description of Firm Seals. The seal shall be circular in shape and 1 3/4 inches in diameter. Concentric with the outside of the seal there shall be a circle 1 3/16 inches in diameter; in the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" at the top and "Registered Architects" at the bottom. The name, business location, and license number of the firm shall be placed within the inner circle.

E. An electronic seal and signature are permitted to be used in lieu of an original seal and signature when the following criteria, and all other requirements of this section, are met:

(1) It is a unique identification of the professional;

(2) It is verifiable;

(3) It is under the professional's direct and sole control;

(4) It is linked to a document in such a manner that changes are readily determined and visually displayed if any data contained in the document file was changed subsequent to the electronic seal and signature having been affixed to the document, and

(5) Changes to the document after affixing the electronic seal and signature shall cause the electronic seal and signature to be removed or altered in such a way as to invalidate the electronic seal and signature;

(6) In addition, once the electronic seal and signature are applied to the document, the document shall be available in a view only format if the document is to be electronically transmitted;

(7) The graphic image of the electronic seal and signature shall be readily available and produced in a manner acceptable to the board. It shall contain the same words and shall have substantially the same graphic appearance and size as required above when the image of the electronically transmitted document is viewed at the same time as the document in its original form.

(8) The graphic display of the seal shall be in compliance with state law.

11-12. Code of Professional Ethics.

An architect or firm shall not engage in dishonest practice, unprofessional conduct, or incompetent practice.

A. Conflict of Interest.

Board of Architectural Examiners
Meeting Minutes
May 7, 2009

(1) When conditions of compensation are submitted in a proposal for a study, pre-design, or preliminary design service, where future opportunity for additional work on the project is also available to the offerer, such conditions must be consistent and representative of the real cost of services to be performed.

(2) An architect or firm shall not accept compensation for services from more than one (1) party on a project unless the circumstances are fully disclosed and agreed to (such disclosure and agreement to be in writing) by all interested parties.

(3) If an architect or firm has any business association or direct or indirect financial interest which is substantial enough to influence judgments in connection with the performance of professional services, the architect or firm shall fully disclose in writing to the client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect or firm will either terminate such association or interest, or withdraw from the commission or employment.

(4) An architect or firm shall not solicit or accept compensation from materials or equipment suppliers in return for specifying or endorsing their products.

(5) When acting as the interpreter of building contract documents and the judge of contract performance, the architect or firm shall render decisions impartially, favoring neither party to the contract.

B. Full Disclosure.

(1) An architect or firm making public statements on architectural questions shall disclose when being compensated for making such statements.

(2) An architect or firm shall be accurate in representing to a prospective or existing client or employer the qualifications and the scope of responsibility in connection with work for which credit is claimed.

(3) If in the course of work on a project, the architect or firm becomes aware of a decision taken by the employer or client, against the architect's or firm's advice, which violates applicable state or municipal building laws and regulations and which will materially affect adversely the safety to the public of the finished project, the architect or firm shall:

(a) report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations; and

(b) refuse to consent to the decision; and

(c) terminate services with reference to the project in circumstances where the architect or firm reasonably believes that other such decisions will be taken notwithstanding the architect's or firm's objections.

~~(4) On a project where a building permit has been issued and the sealing architect and the firm of record have not been engaged to perform at least minimum construction administration services, as defined in subsection (5) below, the sealing architect and firm must report to the permitting authority and the building owner that he and the firm have not been so engaged. To protect the public's health, safety, and welfare, an architect shall provide minimum construction administration services as defined in subsection (5) below for all buildings that require the services of an architect, including renovation to buildings that require services of an architect, as provided in Section 40-3-290. If the architect becomes aware that these services are not being provided by a registered architect, he shall notify the Permitting Authority and the Board. The architect shall notify the Permitting Authority and the Board if his contract for such services is terminated.~~

(5) The minimum construction administration services expected of the sealing architect in responsible charge and firm deemed necessary to protect the health, safety, and welfare of the public shall be periodic site observations of the construction progress and quality, review of contractor submittal data

Board of Architectural Examiners
Meeting Minutes
May 7, 2009

and drawings, and reporting to the building official, ~~and owner, and if applicable, the sealing architect,~~ any violations of codes or substantial deviations from the contract documents which the architect observed.

(6) An architect or firm shall not deliberately make a false statement or fail deliberately to disclose a fact requested by the Board.

(7) An architect or firm shall not assist the application for registration of a person known by the architect or firm to be unqualified in respect to education, training, experience, or character.

(8) An architect or firm possessing knowledge of a violation of these rules by another architect or firm shall report such knowledge to the Board.

(9) An architect or firm shall cooperate fully upon request in matters pertaining to any investigation initiated by the Board.

C. Compliance with Laws.

(1) An architect or firm shall not violate any state or federal criminal or civil law, rule, or regulation.

(2) An architect or firm shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's ~~judgement~~ judgment in connection with a prospective or existing project in which the architect or firm is interested.

(3) An architect or firm shall comply with the registration laws, rules, and regulations governing the practice of architecture in this State and in any other jurisdiction.

(4) An architect or firm shall not assist or aid any unlicensed person or firm in the unauthorized practice of architecture.

(5) No architect or firm shall be entitled to registration within this State who has been convicted of a felony or a crime of moral turpitude unless suitable evidence of reform is presented to the Board.

D. Professional Conduct.

(1) An architect or firm shall not sign or seal drawings, specifications, reports, or other professional work for which the architect or firm does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of portions of such professional work prepared by the architect's, or firm's consultants, registered under this or another professional registration law of this jurisdiction, the architect or firm may sign or seal that portion of the professional work if the architect or firm has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.

(2) An architect or firm shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the ~~judgement-~~ judgment of an existing or prospective client in connection with a project in which the architect or firm is interested.

(3) An architect or firm shall not engage in conduct involving fraud or wanton disregard of the rights of others.

(4) An architect or firm shall not act in any manner so as to mislead a client or the general public or so as to misrepresent its competence or qualifications.

E. Competence.

(1) An architect or firm shall act with reasonable care and competence and shall apply the technical knowledge and skill which is ordinarily applied by architects and firms in good standing in South Carolina.

Board of Architectural Examiners
Meeting Minutes
May 7, 2009

(2) An architect or firm shall take into account all applicable state and municipal building laws and regulations. While an architect or firm may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, an architect or firm shall not design a project in violation of such laws and regulations.

(3) An architect or firm, together with those whom the architect or firm may engage as consultants, shall undertake to perform professional services only when qualified by education, training, and experience in the specific technical areas involved.

11-13. Manner of Discipline.

A. Any architect or firm found guilty of dishonest practice, unprofessional conduct, or incompetent practice shall be disciplined in accordance with Section 40-1-120, Section 40-3-110, Section 40-3-115, and Section 40-3-120.

B. Any architect or firm whose license has been revoked or suspended by the Board shall promptly notify, or cause to be notified, all clients being represented in pending matters of the revocation or suspension and their inability to act as the architect and shall advise said clients to seek the assistance of another architect of the client's own choice. The notice must be sent by registered or certified mail with return receipt requested.

~~C. Within fifteen (15) days after the effective date of the revocation or suspension Order, the architect or firm shall file with the Board an affidavit showing:~~

~~(1) residence or other address of the architect or firm where communications may thereafter be directed; and~~

~~(2) that the architect or firm has complied fully with the provisions of the Order and with this regulation; and~~

~~(3) all other state jurisdictions in which the architect is licensed to practice; and~~

~~(4) any other information the Board deems appropriate.~~

11-14. Reinstatement Procedures.

A. An architect or firm whose authorization to practice architecture has been suspended who wishes to be reinstated may file with the Board a petition setting forth:

(1) the mailing address and physical address where the architect resides at the time of filing the petition, and the mailing address and physical address where the firm proposes to maintain an office if reinstated; and

(2) suitable evidence of reform to establish clear and convincing proof that he or the firm has been rehabilitated; and

(3) suitable evidence that he or the firm has complied fully with all provisions set forth in the original Order.

~~B. No application for reinstatement to practice will be considered by the Board within two (2) years of the entry of an Order suspending or revoking the authorization to practice or within one (1) year after the denial of an application for reinstatement. No application for reinstatement for practice shall be considered by the Board until evidence is submitted that all conditions of the Order have been met.~~

C. In any Order of reinstatement, the Board may direct that the architect or architectural firm limit professional practice to certain areas of the profession; work under the supervision of another architect or firm; require reports at intervals; or any other reasonable requirement which will ensure the protection of the public health, safety, and welfare.

Board of Architectural Examiners
Meeting Minutes
May 7, 2009

11-15, 11-16. Repealed in State Register Volume 23, Issue No. 5, eff May 28, 1999.

11-15, 11-16. Repealed in State Register Volume 23, Issue No. 5, eff May 28, 1999.

11-17. Repealed by State Register Volume 17, Issue No. 5, Part 1, eff May 28, 1993.

11-18, 11-19. Repealed by State Register Volume 23, Issue No. 5, eff May 28, 1999.

11-18, 11-19. Repealed by State Register Volume 23, Issue No. 5, eff May 28, 1999.

PARAMETERS FOR INITIAL APPLICATIONS AND REINSTATEMENTS FOR THE BOARD OF ARCHITECTS

CATEGORIES	SANCTION 2ND OFFENSE	SANCTION 1ST OFFENSE
Unlicensed practice	Consent Agreement, Public Reprimand and possible fine (consider duration of unlicensed period and number of projects)	Hearing
Firm sanctioned but employee was not part of the sanction	No action	No action
Firm sanctioned but employee was part of the sanction	Letter of Caution	Consent Agreement, Public Reprimand and possible fine
Consent Agreement or Order issued by another state	Letter of Caution or possible Consent Agreement	Consent Agreement, Public Reprimand and possible fine
License "suspended" by another state for noncompliance with CE requirement	Letter of Caution	Consent Agreement, Public Reprimand, possible fine and proof of CE for SC or add name to audit list
Misrepresenting information on application	Consent Agreement, Public Reprimand and possible fine	Hearing

Approved November 13, 2007 – Adopted
 Reviewed May 7, 2009 – no changes

I:\Parameter for Apps and Renewals\Initial Applications & Reinstatement.doc

PARAMETERS FOR RENEWALS FOR THE BOARD OF ARCHITECTS

CATEGORIES	SANCTION 2ND OFFENSE	SANCTION 1ST OFFENSE
Lapsed license in another state which was unintentional but was disciplined in another state	Letter of Caution	Consent Order, Public Reprimand and possible fine
Firm sanctioned but SC licensee was not part of the sanction	No action	No action
Firm sanctioned but SC licensee was part of the sanction	Letter of Caution	Consent Order, Public Reprimand and possible fine
Consent Agreement or Order issued by another state	Letter of Caution	Consent Order, Public Reprimand and possible fine

Board of Architectural Examiners
Meeting Minutes
May 7, 2009

License "suspended" by another state for noncompliance with CE requirements	Letter of Caution	Consent Order, Public Reprimand and possible fine and proof of CE for SC or add name to audit list
Misrepresenting information on renewal form	Consent Order, Public Reprimand and possible fine	Hearing

Approved May 24, 2007
Revised May 7, 2009

E:\Parameter for Apps and Renewals\Renewals Parameters.doc