

STATE BOARD OF ARCHITECTURAL EXAMINERS

BOARD MEETING MINUTES

November 13, 2008

Suite 204, 110 Centerview Drive

Columbia, SC

The State Board of Architectural Examiners convened November 13, 2008, in Columbia, South Carolina. Chairman Stephen Russell called the meeting to order at 9:30 a.m. The following persons attended the meeting:

Stephen Russell	Chairman
W. Barry Jenkins	Vice-Chair
Stokes Browning	Secretary
Dennis Ward	Member
Jose Caban	Member
Thomas Johnson	Public Member
Sharon Dantzler	Advice Counsel
Jan B. Simpson	Administrator
Alice Richardson	Administrative Assistant
Todd Bond	Investigator

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.

Advice Counsel Sharon Dantzler notified the Administrator in advance that she would be unable to attend the meeting.

Angie Taylor, Executive Director, AIA/SC, joined the meeting.

Gary Wiggins, Administrator, SC Building Codes Council, joined the meeting.

Minutes: Motion by Ward, Second by Jenkins: To accept the **Minutes** of the September 16, 2008, meeting. Motion carried.

Violations Report:

The Board accepted as information the IRC recommendation on the following cases.

Case No.	Action
2006-34	Letter of Caution
2008-7	No Violation

Exam Candidates – Motion by Caban, second by Browning: To approve the following persons to begin taking the Architect Registration Examination. Motion carried.

- **Brent Fleming, Dawn Pryor, Janie Kronk, Robert Leslie, Mary Harden, Damien Busillo, John Brown, Meghan Clemmens, Justin Abrams and Thomas Smith**

Policy on Offering/Providing Free Services: The Board reviewed the policy on offering/providing free services and, after discussion, it was agreed that the policy needs no revision.

Building Official Manual: Scott Anderson, SC Architect, asked for clarification of certain questions in Appendix A of the Building Official Manual. The Board revised 26 and 27 by breaking each question into two separate questions. Question 28 remained as written. The Manual will be revised on the web and the frequently asked questions will be renumbered to incorporate the changes. (See attached for revised questions and answers)

Building Official Concerns: Matt Davis, SC Architect, joined the meeting to discuss concerns regarding building officials who send individuals to architects to get their plans sealed for the purpose of obtaining a building permit. Because these plans are not prepared by the architect, he is not allowed to seal them. Gary Wiggins, Administrator, SC Building Codes Council, encouraged Mr. Davis to lodge a complaint against any building official who makes such a referral and to also report any ensuing retaliation against the architect by the building official. Board members agreed and thanked Mr. Davis for attending the meeting.

Architecture Review Boards and Continuing Education: Clay Wine, SC Architect, joined the meeting to discuss his concerns regarding Architecture Review Boards and Continuing Education. Mr. Wine is concerned that the title “Architectural Review Board” implies that Board consists of people qualified to review and direct architectural projects. Generally, such Boards rule on aesthetic issues, not code-related or safety-related issues. Mr. Wine stated in some cases, no architects serve on the boards and feels this is misleading to the public. Mr. Wine was informed that the Board has no jurisdiction over these types of Boards, but if he feels that a violation is occurring, he was encouraged to file a complaint. Mr. Wine distributed an article he wrote in September regarding his views on continuing education. Ms. Simpson had concerns with the first section of the article as it relates to justification for revoking a license for noncompliance. Ms. Simpson clarified that Orders are issued to architects who falsify renewals by stating they have completed the required continuing education for renewal when, after audit, it is determined that they did not have the required hours. The disciplinary action is for providing fraudulent information on a renewal form, not for noncompliance with the continuing education requirements. Such architects must pay a fine and make up the required CE hours.

Construction Administration Services: At the September meeting, there was a discussion of whether construction administration services falls under the definition of the practice of architecture, the difference between field observation and construction administration services, and whether an architect is required to perform construction observation. Member Browning presented a draft which clarifies the services that may be offered by someone performing “field observation” and someone who performs construction administration services. After review and

comments by Board members, Member Browning agreed to modify the draft. It will be placed on the Board website with a request for comments from architects and others; this will also be linked to the SC Building Codes Council website.

Final Report on Special Inspections: At the September meeting, the Board reviewed forms issued by The Office of School Facilities (OSF) for completion and sealing by the “Design Professional in Responsible Charge” as a condition for permit issuance in accordance with the Special Inspection requirements of the International Building Code. Since the Board had concerns that architects sealing these forms could be in violation of state Laws and Regulations, Member Ward drafted a letter addressing this issue. The Board accepted the attached letter which will be sent to OSF and Greenville County.

Clemson Funding: Motion by Jenkins, Second by Caban: To transfer \$25,000 from the S.C. Architecture Education and Research Fund to Clemson Architectural Library for FY 08/09 for support materials for the architectural profession. Gypsey Teague, Librarian, Clemson University, will be asked to submit documentation of all purchases made. The Board authorized Administrator Simpson to notify Ms. Teague that the Board’s funding will be cut in half when renewals go to a biennial cycle in June 2009 (see Administrator’s Report). Because the amount allocated to the Fund from renewal fees cannot be increased beyond the current \$10 per renewal, there will be less funding available in the future. Motion carried.

The Board will develop a policy on how to best utilize Education and Research Funds in the face of decreased allocations. A chart will be developed for review at the January meeting showing the history of funding, current account balance and fiscal year expenditures and earmarked funds, and anticipated revenue.

NAAB Accreditation Report on Clemson University’s Master Degree: The Board accepted this report as information.

Consideration of Consent Agreement for Day and Zimmerman International Inc: Motion by Jenkins, Second by Caban: To reject the Consent Agreement issued to Day and Zimmerman International Inc, and go forward with a Hearing. Motion carried.

The Board accepted the **Agreement to Voluntarily and Permanently Surrender License** signed by Michael Newman, FAIA.

The Board recessed for lunch.

Member Johnson left the meeting at lunch.

Administrator’s Report:

Key to chart below:

AR.I– licensed individual, resident of SC
AR.O – licensed individual, out-of-state resident
EI – Emeritus, in-state resident

EO – Emeritus, out-of-state resident

Number of Active Credentials by Prefix and Subcategory
Board: Board of Architectural Examiners
as of 11/5/2008
Query Report: 517

credential	description	count
AR .EI	Emeritus In-State Architect	32
AR .EO	Emeritus Out-of-State Architect	8
AR .I	In-State Architect	1017
AR .O	Out-of-State Architect	2608
ARA.	Partnership Firm	17
ARB.	Business Corporation Firm	212
ARC.	Professional Association Firm	95
ARD.	Sole Proprietor Firm	31
ARF.	Firms	881
	subtotal	4901

9 items

Administrator Simpson spoke to the 3rd year and graduate students at Clemson University in October about licensure, IDP, changes in Board statutes, and the ARE 4.0. About 75 students attended.

Firm licenses now will be renewed on a biennial basis, and this year's expiration date has been extended to August 31, 2009, at no charge to the firms. We anticipate individual licenses will also be renewed on a biennial basis beginning July 1, 2009. All renewals will be processed by the Office of License and Compliance.

The newsletter was issued by "e-blast," an electronic distribution to all individuals who renewed online in June 2008 using their e-mail address. It was also posted on the Board's web site.

The continuing education audit has been delayed by computer problems related to duplication of licensees chosen at random for audit. We will send the audit notification as soon as the problems have been corrected.

Administrator Simpson attended the Member Board Executives meeting hosted by NCARB in Washington, D.C, and November 6-9.

{End of Administrator's Report}

Committee – Review/Revision of Board Regulations: Before a committee is appointed, Administrator Simpson will review the Laws and Regulations and prepare a list of potential revisions for review at the January 2009 meeting.

Distribution of Information to the Architectural Community: The Board will ask AIA/SC to include Board-related news in their Newsletter. Since the Board issues newsletters and other

information by “e-blast,” an electronic distribution method, twice annually, to all registered individuals; it would be helpful if AIA/SC can supplement this information on a monthly basis. The Board believes this could be an effective way to distribute information to the architectural community. The Board asked that an article be included in the next Board Newsletter on Board member activities, especially with NCARB committees.

Outsourcing – Questions from the Mississippi Board: Administrator Simpson received an e-mail from Jenny Wilkinson, Administrator, Mississippi State Board of Architecture, asking if the Board allows outsourced drafting and the preparation of plans outside of an architect’s office. The following questions were presented to the Board. The Board agreed that the Law does not address these issues.

- Can an architects’ unlicensed employee work from home or from a studio, or any place other than the architect’s office?
- Can an architect hire a draftsman on contract if the draftsman works outside the architect’s office?

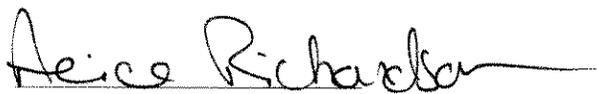
Non-Agenda Item

Continuing Education: Members Browning and Jenkins voiced their concerns regarding continuing education and activities that qualified for health/safety/welfare credits under AIA’s CES program. They are concerned that the focus of continuing education is only as a revenue source, resulting in some activities of questionable nature being allowed HSW credits (i.e., walking tours). They believe that standards need to be set regarding the approval of HSW. They suggested informing NCARB about the Board’s concern regarding this issue. This item will be carried over to the January meeting for further discussion.

2009 Board Meeting Dates: January 14th, May 7th, September 22nd and November 17th.

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

Respectfully submitted,



Alice D. Richardson
Administrative Assistant

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Appendix – Building Official Manual – Revised Questions

Question 26

Is the design professional required to seal and sign each sheet of original drawings issued for permitting? Yes. See note in Section 700 regarding the legality of electronic signatures.

Is the design professional required to seal and sign each sheet of original drawings issued for bidding? No.

Question 27

Must the design professional seal and sign the title page or index page of each set of specifications used for permitting? Yes. See note in Section 700 regarding the legality of electronic signatures.

Must the design professional seal and sign the title page or index page of each set of specifications used for bidding? No.

Question 28

Are change orders, revisions, addenda and bulletin drawings required to be sealed by the design professional in responsible charge? Yes, if changes alter drawings or specifications sealed by a design professional.

APPENDIX – Letter to OSF

November 5, 2008

Mr. Alex C. James
Director
South Carolina Department of Education
Office of School Facilities
3710 Landmark Drive, Suite 205
Columbia, South Carolina 29204

Re: Final Reports of Special Inspections

Dear Mr. James:

It has come to the attention of the Board that a memorandum, dated June 9, 2008 issued from your office by Mr. John Kent, requires that the design professional sign and affix his/her professional seal certifying that the Special Inspections have been performed and all discovered discrepancies have been reported and resolved in order to obtain a Certificate of Occupancy. According to our State Laws and Regulations, an architect may correlate and gather the reports and give to a building official when requested, but an architect may not CERTIFY that the work beyond his/her professional control has been performed in an appropriate manner.

A careful review of the *South Carolina Architectural Registration Laws* will show that any architect who certifies and affixes his/her professional seal as required in the memorandum would APPEAR TO BE in violation of the following regulations and would be susceptible to any and all penalties and actions that may be taken by the Board. In particular, the following regulations would be deemed applicable:

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11-11 (B) Seals - *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.*

11-12 (D)(1) Code of Professional Ethics – Professional Conduct - *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;*

11-12 (D)(4) Code of Professional Ethics – Professional Conduct - *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.*

11-12 (E)(3) Code of Professional Ethics – Competence - *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.*

Therein the Board respectfully requests that the requirements of the design professional as outlined in the aforementioned memorandum be rescinded.

Sincerely,

Stephen A. Russell
Chairman