Legislative Update

The Board's proposed changes to Regulations were approved and became effective on June 25, 2010, upon publication in the State Register. A comprehensive booklet of the current statutes, regulations and the "Engine law" that governs all licensing boards under the Department of LLR has been posted on this website. A "plain English" explanation of all changes is on the website www.llronline.com/pol/architects.

Some highlights:

Reg. 11-6
- Deletes requirement to complete IDP prior to taking the ARE, but requires completion of IDP prior to licensure.
- Deletes requirement to start an NCARB record one year before taking the ARE.
- Deletes requirement to wait six months after failing an exam division. However, this requirement still is in effect unless changed by NCARB.
- Changes "year" to "licensure period" throughout the Regulations

Reg. 11-8
- Changes licensure period to two years and deletes specific dates for license expiration to allow the Department of LLR flexibility in adjusting renewal dates if necessary to evenly distribute workloads.
- Allows licenses to be reinstated within the next licensure period by paying the fee and late penalties. If not reinstated by the end of the next licensure period, the applicant must file a new application.

Reg. 11-8.1
- Clarifies exemption from continuing education requirements for individuals on active military duty.
- Eliminates carte blanche acceptance of CE obtained for other state boards. All individuals licensed in South Carolina are subject to audit of the CE requirement and must provide documentation they have met the requirement.
- Adds Emeritus architects to the list of exemptions (a previous oversight)
- **Changes the CE requirement for renewal to 24 hours for a biennial licensure period. All 24 CE hours must be in topics related to health, safety and welfare. This change merely doubles the requirement to reflect the biennial licensure period.**
- Changes carry-over to a maximum of 24 hours of CE.

Reg. 11-11

Board Members

Brad B. Smith	Chairman
W. Barry Jenkins	Vice Chair
Stephen A. Russell	Secretary
Dennis S. Ward	Member
José R. Caban	Member
C. Tyson Nettles, Esq.	Public Member

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Monday – Friday

Voice mail is activated after 5:00 p.m.
Telephone (803) 896-4408,
Fax (803) 896-4427
www.llronline.com/POL/Architects/

2010 Board of Architecture Meeting Dates

Tuesday, September 14, 2010
Tuesday, November 16, 2010

- Deletes "personal" seal which will **allow electronic seals for individuals and firms.**

  Adds subsection E to clarify circumstances when an electronic seal and signature are permitted to be used. This change reflects modern practices in architecture. Rather than dictate specific encryption software or practices, the Board proposes only that, after an electronic seal and signature have been affixed to a document, any changes are clearly shown, the seal will be removed if unauthorized changes are made, and requires "view only" formats if the document is to be electronically transmitted.

  Reg. 11-12

- (C)(2) clarifies that architects and firms may not offer or make payment or gifts to a government official with the intent of influencing the official's judgment regarding a prospective or existing project in which the architect or firm is interested. The previous language was deemed to be overly broad.
- (D)(2) clarifies that architects and firms may not make any gifts with the intent of influencing the judgment of a prospective or existing client regarding a project in which the architect or firm is interested. The previous language was deemed to be overly broad.
- Both of these changes bring the language in line with NCARB Model Regulation language and reflect reaction to concerns expressed to the Board by architects who wish to provide *pro bono* service to worthy causes.

  Please familiarize yourself with these changes!

Welcome to Kate Schwennsen

Katherine L. Schwennsen

FAIA image by: Cameron Campbell

Welcome to Kate Schwennsen, who is the new Chair of Clemson University's School of Architecture, succeeding José Caban. Schwennsen is currently professor and associate dean of the College of Design at Iowa State University, where she received a B.A. in Architecture and a Master of Architecture degree. In her role as associate Dean at Iowa State University, Schwennsen has led efforts related to curriculum, student recruitment and retention, budgeting and strategic planning. Her past experience with budget reductions, reallocations, reversions and evolving budget models will serve her well as she tackles some of the same issues in South Carolina. She has been a leader in diversity, sustainability, energy conservation and design practice in a global climate, and her achievements have been recognized with many honors and awards. Schwennsen practiced architecture for 10 years before returning to Iowa State as a professor of design and professional practice classes.

In 2002, Schwennsen was awarded the Presidential Medal for Distinguished Service by the National Council of Architectural Registration Boards and was elevated to the College of Fellows by the American Institute of Architects. In 2006, she was elected to serve as the national president of AIA.

The Board welcomes Kate Schwennsen to our state and to Clemson University!

South Carolina Architect Dennis S. Ward, AIA, Installed as Regional Director of NCARB

Dennis S. Ward, AIA, of Florence, was installed on the National Council of Architectural Registration Boards' (NCARB) Board of Directors at its 90th Annual Meeting and Conference in Chicago in June 2009.

Ward was recognized for his leadership abilities by his colleagues in the Southern Conference (comprised of the U.S. jurisdictions of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Texas and the U.S. Virgin Islands) who elected him director of Region 3 in March 2009 during its spring meeting in Savannah, GA. Previously, he served the Southern Conference as vice chair and secretary.

First appointed to the South Carolina Board of Architectural Examiners in 2001, Ward has served as Chair for two years. Ward has many years of dedicated service to the profession. He has served as a member or chair of numerous NCARB committees, task forces and workshops including the Architect Registration Examination® (ARE®) Subcommittee, the ARE Technology Subcommittee, the Committee on Examination, the ARE Specification Task Force and the ARE Item Writing Workshop. In addition, he has served as an NCARB visiting team representative of the National Architectural Accreditation Board (NAAB) since 2005.

A graduate of Clemson University's undergraduate program, Ward went on to attend Clemson's Charles E. Daniels Center for Building Research and Urban Studies in Genoa, Italy in 1980 and received his Masters of Architecture degree from Clemson University in 1981. After interning with Intergroup Architects of Denver, CO, he joined Munford G. Fuller & Associates of Florence in 1982. Upon completing his architectural registration in 1986, he became a managing partner. In 1995, Ward was named president of F W Architects, Inc., AIA, a position in which he continues to serve.

Experienced in both large and small design projects, Ward's portfolio includes educational, civic, theatrical, commercial, institutional, religious, healthcare, senior living, adaptive re-use, state and federal projects. He holds an NCARB Certificate and is licensed in South Carolina and North Carolina.

Low-Cost Continuing Education Opportunity
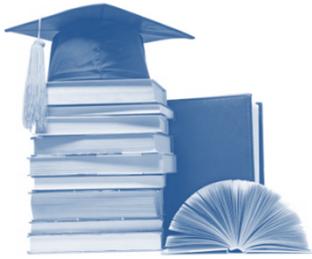
The Board continues to seek creative, beneficial opportunities to offer continuing education events to licensees that relate to health, safety and welfare. Particularly at a time when architects face economic challenges, the Board hopes a low-cost opportunity to obtain continuing education will be welcome.

Before June 2011, the Board will sponsor three day-long events on the topic of Professional Ethics in Design and Building at three locations in South Carolina. The sessions will be led by Dr. Dan Wueste and Dr. Stephen Satris of Clemson University's Rutland Institute for Ethics. The seminar will be relevant to everyday practice, will teach strategies for making ethical choices, and will offer six hours of continuing education credits in health, safety and welfare for attendees. Details about the events and the modest registration fee will be announced soon. Funding for these events comes from the allocation of $10 from every renewal fee that you pay as a licensee.

Funding For Education

Since July 1, 2009, the Board has contributed $6,000 to Clemson's School of Architecture to pay IDP enrollment fees for fourth-year students and the full IDP fee for graduate architecture students. The School of Architecture's Gunnin Library received $25,000 to supplement purchases relevant to architecture. This funding from the Education and Research Fund benefits students, interns and licensees.

Responding to RFPs

In tough economic times, architectural projects are harder to come by so when an RFP is issued that includes architectural services, many architects and firms want to respond. However, Section 40-3-300 prohibits architects from entering into a contract on any basis other than direct negotiation and further prohibits participating in a system requiring "comparison of compensation."

In everyday terms, this is referred to as "bidding." In fact, the Board's policy is entitled "Bidding for Services." In many instances, the entity issuing the RFP is not aware of that section of the architecture law. They ask for fees and often make fees a part of the evaluation criteria. Architects who respond with a fixed amount may be in

violation of the Section quoted above. When the Board staff gets notice of an RFP structured with a request for fees, we send the issuer a letter asking them to eliminate fees from the RFP.

The Board has no jurisdiction over RFPs. We explain that architects who abide by the statutory restriction may submit a response that references Section 40-3-300 and provide all other information requested except fees. Some architects submit a range of "typical fees;" some architects indicate they have done similar work in the past and provide information about their fee for that project. Some architects respond by providing information on billable rates for their architects, draftsmen, etc., but without providing an estimated number of hours the project might require.

The Board estimates approximately 85% of the RFP issuers that we contact agree to remove the requirement that architects submit fees and reissue the RFP. They don't want to put architects in a position that might result in disciplinary action, and they reissue the RFP without the request for fees. However, the other 15% or so either refuse to change their RFP or indicate they will ask for fees to be submitted in a separate, sealed envelope to be opened after rankings are completed.

The Board considered this issue at their meeting on May 18, 2010, and reviewed a recent RFP issued by the City of Georgetown for design work for a proposed City Municipal Complex. After receiving many calls from architects about the RFP, the Board office requested that the City consider removing the request for fees. City officials declined to do so, indicated the City does not fall under the State Procurement code (the City has its own procurement code), and said other, similar RFPs issued in the past have never been challenged. The Board has requested a copy of all submittal packages under the S.C. Freedom of Information Act.

The extent of the Board's involvement is to notify the issuers of an RFP that architects who respond with a fee might be in violation of the statutes governing their profession. Architects might wish to provide information on Section 40-3-300 to prospective clients so they will understand why submittals are non-responsive on the issue of fees.

Disciplinary Actions

Final disciplinary actions taken by the Board since publication of the last newsletter may be viewed on the Board's website. While the Board staff makes every effort to include all final actions, some may have inadvertently been omitted. Documents on the website date from July 2004; they are in PDF format and may be downloaded. If you need a copy of an action not posted on the Web site, please contact Melissa Jones.

You will notice that the Board is issuing Orders to Cease and Desist from the practice of architecture (or the offer to practice architecture) to individuals and firms not licensed in South Carolina. Continued practice after receipt of a Cease and Desist Order is considered a violation of the Order. Such violations are handled by the South Carolina Administrative Law Court which has authority to levy fines up to $10,000 per violation.

Continuing Education Audit Results

After every license renewal period, an audit of continuing education compliance is conducted using a computer-generated random sample of architects. Of the group audited in 2009, six architects submitted insufficient documentation, or obtained the continuing education after signing the renewal form, or obtained no continuing education at all. They were issued an Order to Cease and Desist from practicing architecture in South Carolina until they complied with the requirements. See Disciplinary actions for more information.

Every licensee is subject to the random selection, and if you are notified that you are being audited, please be ready to submit documentation to prove your claim of CE activities. The Board sends one notice that includes a deadline for submittal of proof and a reminder notice to anyone who does not respond by the

deadline. If you do not respond to the second notice, we issue an Order to Cease and Desist from the practice of architecture in South Carolina until the matter is resolved.

The next renewal in South Carolina is June 30, **2011**, when you will need 24 hours of continuing education, all in health/safety/welfare topics.

New NCARB Intern Development Program Six-Month Rule

Please ensure interns, or employees who could become licensed, are aware of the new six-month limitation on filing training hours for IDP credit.

As of July 1, 2010, all interns who established an NCARB record before July 1, 2009, are required to submit training hours in six-month reporting periods. The training hours accrued during the six-month period MUST be reported within two months of completing the period. Once the hours are submitted to the intern's supervisor through the e-EVR system (electronic reporting), those hours are protected while being reviewed. To ensure the protected status applies, "submitted" must appear on the upper right of the report. If the intern merely saves it, the hours are not protected. Please visit the NCARB website at www.ncarb.org for more details and examples.

Interns who wish to become licensed in South Carolina by examination must apply through the Direct Registration program at NCARB. The application will be processed according to South Carolina requirements for education, training and examination. Upon completion of all licensure requirements, the intern's NCARB Record will be transmitted to the S.C. Board. To complete the licensure process, the intern must file an application for licensure by exam (see website) directly with the S.C. Board, and upon approval by the Board, the S.C. architecture license will be issued.

Licensure Statistics

Number of Active Credentials
Board of Architectural Examiners as of 5/4/2010

Credential Prefix	Count
Architects	3787
ARA	16
ARB	197
ARC	95
ARD	29
ARF	915
	5039

AR = Architects   (Of these, 47 are Emeritus Architects)
ARA = Partnerships
ARB = Business Corporations
ARC = Professional Associations
ARD = Sole Proprietorships
ARF = Architectural Firms

Applications Available On the Web

You can download Board applications and instructions on the web. These forms can be accessed at www.llr.state.sc.us/POL/Architects/. Click on "Applications/Forms" then click on "Forms and Applications." If you have any questions regarding these forms, please contact Alice DeBorde

MOVING?
Be Sure To Notify the Board

A change of address form can be downloaded from the web at www.llr.state.sc.us/POL/Architects/ or you may simply e-mail, - mail or send by Fax the changes to the Board. Please type or neatly print changes so that they may be entered into the database correctly. The Board cannot accept address changes over the telephone. Please send address or e-mail changes to the attention of Alice DeBorde.

Architects and Architectural Firms Listed On Website!
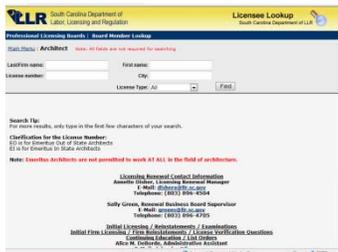
Architects and architectural firms currently licensed in South Carolina are listed on the Licensee Lookup website. You can use this lookup to make sure that your licenses are up-to-date and to determine if others are licensed. This site is updated daily.

If you believe a firm or individual was recently licensed but you are unable to locate them on this site, please e-mail Alice DeBorde or call the office at 803-896-4408.

All Employers Must Comply with S.C. Immigration Act by July 1, 2010

The "South Carolina Illegal Immigration Reform Act" that was signed into law by Governor Mark Sanford on June 4, 2008 will soon be applicable to all businesses in South Carolina regardless of the number of employees.

Compliance with this law began July 1, 2009, for private employers who employ 100 or more employees. For private employers who employ less than 100 employees, the compliance date was July 1, 2010.

The law requires all employers to verify the legal status of new employees and prohibits employment of any worker who is not legally in this country and authorized to work. The South Carolina Department of Labor, Licensing and Regulation's Office of Immigrant Worker Compliance is charged with investigating complaints and conducting random audits of private employers to assure compliance. Failure to comply can result in severe monetary penalties and revocation of an employer's right to operate their business.

During the first year, LLR investigators found that most large employers (more than 100 workers) were in compliance with the law. When violations were found they generally were because

- employers who were using E-Verify to verify their employees, did not do so within the five-day timeframe required by the law.

- employers who were using driver's licenses to verify employees, did so using a driver's license from a state not on the approved list.

For more information on the law, visit www.llronline.com/immigration/.

Wallet Cards are Available for LLR Licensees
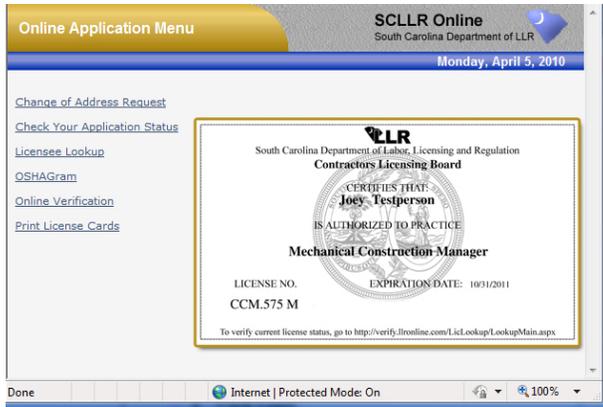
The S.C. Department of Labor, Licensing and Regulation (LLR) has heard from many licensees that they would like a wallet card identifying them as licensed in their chosen occupation or profession, and we listened.

Licensees now have the capability through LLR's Website to download and print a wallet card as a courtesy. The cards can be printed from your printer at your convenience, and you will need Adobe Reader installed on your PC to view and print the card. For best results, use card stock instead of copy paper to print a more durable card.

Instructions to Print Your Wallet Card

- Go to https://verify.llronline.com.
- Click on the "Print License Card" link on the left of the screen.
- Login with your username and password or last five digits of SSN and last name/company name.
- Click Login.
- A list of all active licenses will appear on screen.
- Click the PDF icon to the right for the license you want to print.
- The wallet card will open in a new Adobe Reader window.
- Print the wallet card.
- Logout.