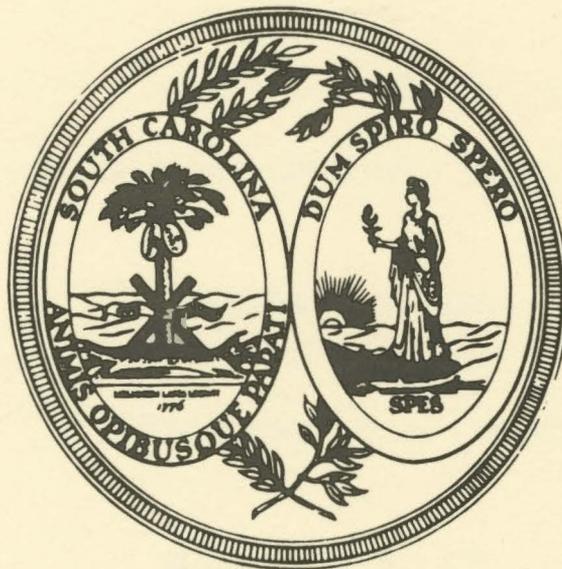


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South Carolina General Assembly



Legislative Audit Council

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General Assembly
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Sunset Review of:
Board of Registration for
Landscape Architecture
Board of Architectural Examiners
January 10, 1984

THE STATE OF SOUTH CAROLINA

GENERAL ASSEMBLY

LEGISLATIVE AUDIT COUNCIL

SUNSET REVIEW OF:

BOARD OF REGISTRATION FOR LANDSCAPE ARCHITECTURE

BOARD OF ARCHITECTURAL EXAMINERS

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REPORT INTRODUCTION

In July 1978, the General Assembly passed Act 608, the Sunset Act. This Act abolishes specific boards and commissions on predetermined dates unless the agency demonstrates a public need to justify its continued existence. In passing the Law, the Legislature's greatest concern was whether the regulation provided by these agencies was needed to protect the public interest and, if so, how well the agencies were performing this function.

Under Act 608, the Board of Registration for Landscape Architecture and the Board of Architectural Examiners were scheduled for termination on June 30, 1980. Act 502 of 1980 reauthorized the Board of Registration for Landscape Architecture until June 30, 1984. Act 550 of 1980 reauthorized the Board of Architectural Examiners until June 30, 1981; Act 550 was amended in 1981, reauthorizing the Board from July 1, 1981 until June 30, 1984.

This report, therefore, contains the reviews of these two boards scheduled to terminate on July 30, 1984:

Board of Registration for Landscape Architecture

Board of Architectural Examiners

The Sunset Law made the Legislative Audit Council responsible for evaluating the performance of these agencies scheduled for termination. A systematic review is provided by the Act so that the Legislature might be in a, "better position to evaluate the need for their continuation, reorganization or termination." The Act requires that the Audit Council, as a minimum, address the following eight issues:

- (1) The overall cost, including manpower, of the agency under review;
- (2) The amount of the increase or reduction of costs of goods and services caused by the administering of the programs or functions of the agency under review;
- (3) The efficiency of the administration of the programs or functions of the agency under review;
- (4) The extent to which the agency under review has encouraged the participation of the public and, if applicable, the industry it regulates;
- (5) The efficiency with which formal public complaints filed with the agency concerning persons or industries subject to regulation and administration of the agency under review have been processed; and,
- (6) The extent to which the agency under review has complied with all applicable State, Federal and local statutes.
- (7) The extent to which the agency duplicates the services, functions and programs administered by any other State, Federal or other agency or entity;
- (8) Economic, fiscal and other impacts that would occur in the absence of the administering of the programs or functions of the agency under review.

This criteria provided guidelines and measures by which an agency's performance can be judged. In its review, the Audit Council studied the fiscal and management practices of each board. All policies and procedures promulgated and followed by the Boards and all applicable State regulations were reviewed. Files, memos, minutes of meetings and records were examined and complaints and examination data analyzed. In addition, the Audit Council interviewed Board members staffs.

The review of the regulatory duties, functions, policies and procedures of the Board of Registration for Landscape Architecture, and the Board of Architectural Examiners indicates that these Boards fulfill a public need through regulation. The Audit Council recommends that the authorities of these Boards be continued.

This report is the first step in the Sunset process. Each agency was invited to respond in writing to its audit report and their comments follow the report. In addition, each agency is given the opportunity to testify before the State Reorganization Commission and, after the start of the 1984 session, additional public hearings will be held to consider further testimony. Following this process, the General Assembly will decide whether to reestablish or terminate these agencies.

BOARD OF REGISTRATION FOR LANDSCAPE ARCHITECTURE

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INTRODUCTION

After reviewing the operations and laws of the Landscape Architects Board of Registration, the Audit Council concludes that regulation of the landscape architectural profession should continue. Recommendations for changes to increase the efficiency of the Board's operations are made. The Board fulfills a licensure function which is not administered by any other governmental agency or private organization.

BACKGROUND AND HISTORY

The registration of landscape architects in South Carolina began in 1976. Act 698 of the General Assembly created a Board of Registration to administer the law and organize the licensing process. The Board of Registration is composed of five public members who also serve as the South Carolina Land Resources Commission. A five-member Advisory Council composed of landscape architects assists the Board of Registration. Functions of the Advisory Council include identification of qualified applicants for professional licensure, promulgation of the Rules and Regulations, recommendation of improvements in the registration program, and administration of the annual Uniform National Exam. The law restricts the use of the title "Landscape Architect" and limits the practice of landscape architecture to only those individuals licensed by the Board.

The Board of Registration licenses 287 landscape architects, 85 of whom permanently reside in South Carolina. Registration may be accomplished by one of four methods which consider factors such as education, experience, valid out-of-state licensure, and certification by the National Council of Landscape Architectural Registration Board. The Uniform National Examination (UNE) of the National Council of Landscape Architectural Registration Boards (CLARB) is required of all applicants for registration. Those who qualify for reciprocity licensure have taken the examination in another state. This requirement was waived for those who qualified under the "grandfather clause." This provision enabled individuals practicing landscape architecture at the time the law took effect to secure a license. A corporation or

partnership must have a Certificate of Authorization in order to render landscape architectural services so that the responsibility for such work remains attached to an individual registrant.

The basic functions of landscape architecture are to apply specialized principles and procedures in the design, construction, use and maintenance of land areas. Included are such factors as initial planning for the allocation of land uses, ecological planning and physical development, preparation of area and grading plans and construction details. In addition, the execution of projects, inspection of construction and maintenance of completed projects are basic functions of the landscape architect.

Presently, 38 states have enacted laws which provide regulation of the profession of landscape architecture. Three have such legislation pending. Since 1976, two states in the nation have abolished their boards governing licensure of landscape architects.

SUNSET QUESTIONS AND FINDINGS

- (1) DETERMINE THE OVERALL COST, INCLUDING MANPOWER, OF THE AGENCY UNDER REVIEW.

In FY 82-83, the Landscape Architects Board of Registration collected \$20,780 in fees and spent \$20,503. The Board uses no funds for personal service because its administrative support is provided by the South Carolina Land Resources Commission. A detailed analysis of sources and uses of funds for the three-year period ended June 30, 1983 is presented in Appendix 1. The Board generates revenues through examination and registration fees; a schedule of fees is presented in Appendix 2.

Two staff members employed by the South Carolina Land Resources Commission administer the functions of the Board. The Commission's Deputy Director for Administration and Regulatory Services acts as Director of the Board, and spends approximately 10% of his time on Board functions. An administrative assistant employed by the Commission spends approximately 30% of her time overseeing such activities as licensure, scheduling of Advisory Council meetings and correspondence.

- (2) DETERMINE THE AMOUNT OF THE INCREASE OR REDUCTION OF COSTS OF GOODS AND SERVICES CAUSED BY THE ADMINISTERING OF THE PROGRAMS OR FUNCTIONS OF THE AGENCY UNDER REVIEW.

Since the Board of Registration does not regulate fees charged by licensees for their services, it has no direct influence on consumer prices. The costs of regulation are borne by landscape architects and may be indirectly passed on to consumers. Costs to the landscape architect include preexamination education, examination and licensing fees, and registration. The Audit Council found no measurable cost increase or reductions as a result of the administration of the landscape architects registration law.

(3) EVALUATE THE EFFICIENCY OF THE ADMINISTRATION OF THE PROGRAMS OR FUNCTIONS OF THE AGENCY UNDER REVIEW.

The Audit Council reviewed the Board's operations, and has noted several problems which may affect its efficiency. The record-keeping and filing procedures need improvement. The Board has not established a policy and procedures manual and the manner in which graders are selected for state-graded sections of the Uniform National Exam (UNE) needs improvement. These problems are discussed below.

Record-Keeping and Filing Procedures Need Improvement

A review of the Board's filing procedures revealed that they are in need of improvement. Various Board data requested by the Audit Council were maintained in Land Resources Commission files, and were not readily available for review. Travel vouchers for Board-related travel were filed in four separate file drawers and contained vouchers

for Land Resources Commission members as well. The Audit Council also found 11 instances of blank travel voucher forms which had already been signed by Advisory Council members.

In addition, there is no systematic filing procedure for complaints received by the Board. Complaints were filed in several different locations and there is no central register listing all complaints received (see Question 5).

Systematic file procedures are needed to ensure the accuracy and completeness of Board records. Such a system will help to enhance the efficiency with which the Board conducts its operations.

RECOMMENDATION

THE BOARD SHOULD IMPLEMENT PROCEDURES TO ENSURE ACCURATE FILING OF DATA ESSENTIAL TO ITS OPERATIONS.

Policy and Procedures Manual Needed

The Board has not maintained a written manual containing policies and procedural guidelines. Decisions concerning Board actions on complaints, and interpretations of statutes, rules and regulations should be guided by such a manual. Written policies not only need to address the handling of complaints, but also the selection of graders for Parts C and D of the Uniform National Examination (see p. 12).

The lack of written policies and procedures can result in inconsistent decision making, and a lack of public access to Board policy.

RECOMMENDATION

THE BOARD SHOULD MAINTAIN A POLICY AND PROCEDURES MANUAL.

Selection of Examination Graders Needs Improvement

The Board has no formal procedure for the selection of individuals to grade Parts C and D of the Uniform National Examination (UNE). Multiple choice sections of the exam are returned to the National Council of Landscape Architect Registration Boards (CLARB) for computer grading. Two subjective sections relating to design and design implementation are graded solely by the Advisory Council and selected members of the profession.

The method by which graders are chosen needs to be improved. Members of the Advisory Council and Board staff review the roster of South Carolina residents who are registered landscape architects. Individuals on this roster, who the Council and staff do not "feel would do as good a job as others," are deleted. Letters are sent to the remainder asking for volunteers to grade the exam. Graders can and do grade the exam in successive years.

Since registration as a landscape architect is contingent upon successful completion of the UNE, candidates deserve to have their exams graded by an impartially selected grading panel. Although CLARB guidelines are followed for the actual grading process, the integrity of that process can be compromised when implemented by a panel selected on the basis of informal and subjective criteria.

RECOMMENDATION

THE BOARD SHOULD ADOPT A FORMAL POLICY
ESTABLISHING OBJECTIVE CRITERIA FOR SELECTION
OF EXAMINATION GRADERS.

- (4) DETERMINE THE EXTENT TO WHICH THE AGENCY UNDER REVIEW HAS ENCOURAGED THE PARTICIPATION OF THE PUBLIC AND, IF APPLICABLE, THE INDUSTRY IT REGULATES.

The Landscape Architects Board of Registration (South Carolina Land Resources Commission) is composed of five members from the general public appointed by the Governor. This Board is responsible for all functions of the registration law including formulation of policy, licensure and enforcement. The Board appoints a five-member Advisory Council composed of licensed landscape architects who assist the Board with the administration of the law. The Advisory Council administers the Uniform National Examination and recommends to the Board qualified applicants for registration. The Advisory Council also recommends changes in policies, services and procedures and generally provides advice and consultation on a regular basis. Scheduled Board of Registration and Advisory Council meetings are open to the public.

It has been the informal policy of the Board to have one of its members (all of whom are public members) attend Advisory Council meetings. A review of Advisory Council minutes revealed that through March 1982, Advisory Council meetings were regularly

attended by a Board member. Since that time, however, Board members have not attended Advisory Council meetings. The minutes also reflect that members of the general public have not attended these meetings, although they are free to do so.

In order to ensure a minimal amount of public representation in Advisory Council affairs and to enhance communication between the Board and the Council, a Board member should attend all Council meetings. This would also allow for increased public awareness of, and participation in, the registration process.

RECOMMENDATION

THE BOARD OF REGISTRATION SHOULD IMPLEMENT FORMAL POLICY REQUIRING ONE OF ITS MEMBERS TO ATTEND ALL ADVISORY COUNCIL MEETINGS.

- (5) EVALUATE THE EFFICIENCY WITH WHICH FORMAL PUBLIC COMPLAINTS FILED WITH THE AGENCY CONCERNING PERSONS OR INDUSTRIES SUBJECT TO THE REGULATION AND ADMINISTRATION OF THE AGENCY UNDER REVIEW HAVE BEEN PROCESSED.

The Board of Landscape Architects does not have a systematic procedure for processing complaints. There are no written policies or procedures concerning the recording, tracking or follow-up of complaints received by the Board. As a result, the Audit Council could not determine the total number of complaints actually received and acted upon by the Board. The following finding explains the problem in more detail.

Formal Procedures For Handling Complaints Are Needed

The Board of Landscape Architects has not established formal written procedures for the handling, documentation and resolution of complaints. Complaint documents and records are not maintained adequately. Although a file is kept on complaints which the Advisory Council has reviewed and determined warrant action, no log or central register is maintained for complaints as they are initially received by the Board.

An Audit Council review of the complaints on file at the Board revealed that since FY 79-80, 18 complaints have been reviewed by the Board. Sixteen of these involved use of the title "landscape architect" by individuals not licensed by the Board. All were either listed in the yellow pages, brochures, or referred to in a newspaper article as being landscape architects. The Board sent certified letters to the unlicensed individuals requesting that the offending practice be discontinued. The file contained no indication that any follow-up was done by the Board to ensure compliance with the Board's letter.

Of the remaining two complaints, one involved practicing landscape architecture without a license and the other concerned a registered landscape architect acting outside the scope of authority conferred by licensure as a landscape architect. Although a review of Advisory Council minutes revealed that a resolution was reached in each case, the complaint files contained documentation as to action taken and nature of the resolution in only one of these cases.

Without systematic procedures for handling and reviewing complaints, possible violations of the law may go unaddressed and inconsistent treatment of complaints may result. In order to meet its responsibility to protect the public interest, the Board must ensure that all complaints are handled in a thorough and systematic manner.

RECOMMENDATION

THE BOARD SHOULD DEVELOP FORMAL WRITTEN PROCEDURES TO HANDLE COMPLAINTS. THESE SHOULD INCLUDE A COMPLAINT LOG TO RECORD ALL COMPLAINTS RECEIVED BY THE BOARD. DATA THAT SHOULD BE INCLUDED IN THE LOG ARE COMPLAINANT; NATURE OF COMPLAINT; DATE OF RECEIPT AND MEANS OF CONTACT; ACTION BY BOARD, AND; FOLLOW-UP.

- (6) DETERMINE THE EXTENT TO WHICH THE AGENCY UNDER REVIEW HAS COMPLIED WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL STATUTES AND REGULATIONS.

The Landscape Architects Board of Registration is regulated only by the statutes and regulations enacted by the State of South Carolina. The Audit Council reviewed all laws and regulations pertaining to the administration of the Board of Registration to verify consistent and equitable application by the Board. The Audit Council has determined the Board of Registration and Advisory Council to be in compliance with all appropriate statutes and regulations.

- (7) DETERMINE THE EXTENT TO WHICH THE AGENCY DUPLICATES THE SERVICES, FUNCTIONS AND PROGRAMS ADMINISTERED BY ANY OTHER STATE, FEDERAL OR OTHER AGENCY OR ENTITY.

Professional jurisdiction between architects, land surveyors, engineers, and landscape architects may overlap at times since these other professionals can perform landscape architectural work when such work is incidental to their practice. There is, however, no other regulatory body which has the authority to govern the practice of landscape architecture. The Board, therefore, does not duplicate the functions or services administered by any other State, Federal or other entity.

(8) WHAT ECONOMIC, FISCAL AND OTHER IMPACTS WOULD OCCUR IN THE ABSENCE OF THE ADMINISTERING OF THE PROGRAMS OR FUNCTIONS OF THE AGENCY UNDER REVIEW.

The Audit Council has identified various effects that would occur in the absence of the administering of the programs or functions of the Board. Each of these is discussed in the following pages. The conclusion recommends retention of the Board.

Public Safety and Welfare May Be Affected

The potential impact of termination of the Board on the public health, safety and welfare in South Carolina is difficult to measure objectively. Professionals in the field of landscape architecture state that there are basic issues of health, safety and welfare involved in the practice of the profession beyond those of aesthetics. Moreover, these considerations impact the public in a diversity of settings.

The profession of landscape architecture requires competency in the design of features such as walks, parking areas, fences, stairways,

retaining walls, roadway alignment and medians, construction on flood plains, erosion control mechanisms, and grading and drainage plans. Competency includes knowledge of safety features which may be above and beyond those required by applicable building codes.

The landscape architect not only designs such features, but also:

"Inspects construction work in progress to insure compliance with landscape specification to approve quality of materials and work and to advise client and construction personnel of landscape features."
(Dictionary of Occupational Titles, p. 411, U.S. Department of Labor).

Improper design and/or execution of features such as those described above can result in serious danger to the public.

The fact that the public is broadly impacted by the work of landscape architects is illustrated by the following quote from the United States Government Civil Service Qualification Standards.

These services (of the landscape architect) are typically performed for national parks and parkways, national forests, highways, recreational and resort areas, airports, multi-use reservoirs, public buildings and institutions, land subdivisions, housing developments, communities, national cemeteries, military installations, and their component areas and facilities.

Twelve states do not maintain licensing boards for landscape architects. The total population of these 12 states, however, is only approximately 13% of the population of the United States. (Six of the ten least populous states in the United States do not license landscape architects.) Therefore, approximately 87% of the United States population live in areas of the country which do require licensing and/or registration of landscape architects. In addition, all states in the Southeast have licensing and/or registration programs.

A review of complaints handled by the Board since FY 79-80 does not indicate, however, that the Board has been involved in serious

issues of public protection. Of the 18 complaints received by the Board since FY 79-80, all involved unauthorized or improper use of the "title" landscape architect. Twelve of the 18 complaints were signed; 11 of these 12 were received from landscape architects, all of whom were either then serving on the Advisory Council or had served in the past.

In Absence of the Board, the Uniform National Examination (UNE)
Would no Longer be Administered in South Carolina

Registration as a landscape architect in South Carolina requires passage of a national examination, unless an individual who had practiced landscape architecture for two years applied for registration prior to July 5, 1977; (hereafter referred to as "the grandfather clause"). The Uniform National Examination (UNE) is available through the National Council of Landscape Architects Registration Board (CLARB), only to state boards which are members of CLARB, and are legally sanctioned state entities. The purpose of the exam is to ensure minimum professional competency in areas such as Design, Professional Practice, History and Design Implementation.

Of the 85 active landscape architects who are South Carolina residents, 41 (48%) have taken and passed the UNE. The remaining 44 (52%) registered with the Board by fulfilling requirements of the "grandfather clause."

Termination of the Landscape Architects Board of Registration would result in South Carolina no longer being able to offer the UNE. There would not, therefore, be any standardized assessment of minimum competency in the State. It is also possible that landscape architects who have been unable to pass the exam in other states would relocate

to a state which does not require licensing in order to practice. Finally, South Carolina landscape architects who were "grandfathered" in and wished to practice in another state would be unable to be licensed through reciprocity, if South Carolina were without a licensing board. This would require such individuals to take the exam and meet other registration requirements in the state in which they desired to practice.

State Registration Not Required For, But May Affect, Federal Contracts

State registration is not required in order for landscape architects to compete for Federal contracts. Public law 92-582, known as the Brooks Bill:

declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

Section 901 of this Bill provides that:

The term "firm" means any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the professions of architecture or engineering. [Emphasis Added]

The Audit Council reviewed the legislative history of the Brooks Bill to determine the original intent of its proponents. The Congressional Records, Vol. 118 (1972) state:

insofar as landscape architects are concerned, this bill would apply when the controlling jurisdiction, under appropriate registration laws, requires that persons acquire and maintain a proper level of professional excellence.

Absent such a registration requirement, general competitive procedures may be used in the selection of landscape architects.

The Audit Council contacted officials with the Office of the Comptroller General of the United States, the United States Army Corps of Engineers, and the United State General Services Administration. All concurred in the opinion that the Brooks Bill does not necessitate that a state have a licensing requirement for landscape architects in order that they be eligible to compete on Federal projects.

However, in correspondence with the United State Army Corps of Engineers dated August 17, 1979, it was noted that although licensing is not required for Federal contracts, "caution may dictate your continuing to license landscape architects in order to prevent any possibility that they might be prejudiced in being considered for Federal contracts".

It has been argued that landscape architects in states which do not require licensing may be at a disadvantage when competing for Federal Contracts. The business of South Carolina landscape architects may be detrimentally affected in the face of competition from contiguous states which do license this profession.

Conclusion

In summary, the Audit Council's review of the Board did not identify concrete evidence that a threat to public health, safety and welfare would be present in absence of the Board. However, the types of projects for which landscape architects are responsible do have significant impact on the public safety. In order to retain administration of the Uniform National Examination in South Carolina, which assesses minimum competency, the Board must be retained. Finally, all of the southeastern states have licensing or registration programs for landscape architects. The ability for landscape architect professionals in this

State to compete with such professionals in contiguous states may be negatively impacted by termination of the Board.

APPENDICES

APPENDIX 1

LANDSCAPE ARCHITECTS BOARD OF REGISTRATION

STATEMENT OF REVENUES AND EXPENDITURES

<u>Revenues</u>	<u>FY 80-81</u>	<u>FY 81-82</u>	<u>FY 82-83¹</u>
Application Fees	\$ 3,275	\$ 4,650	\$ 4,325
Registration Fees	1,225	1,395	1,080
Renewals	6,405	11,085	13,445
Temporary Licenses	35	-	-
Certificate of Authorization	75	150	150
Certificate Renewals	605	1,420	1,720
Duplicate License/ Certificate	95	50	60
TOTAL	<u>\$11,715</u>	<u>\$18,750</u>	<u>\$20,780</u>
 <u>Expenditures</u>			
Per Diem	\$ 805	\$ 700	\$ 1,155
Printing, Adv. Binding	597	1,475	1,380
Nonstate Employee Travel	1,396	2,260	2,619
Travel	1,151	1,651	2,300
Testing Supplies	2,283	1,827	2,226
Testing Service	1,085	480	1,000
Office Equipment	-	-	1,415
Photocopy Equipment	-	-	6,914
Dues and Membership	450	400	530
Office Supplies	237	646	853
Other Prof. Services	58	100	89
Promotional Services	-	375	-
Other Cont. Services	-	-	22
Utilities	-	170	-
TOTAL	<u>\$ 8,062</u>	<u>\$10,084</u>	<u>\$20,503</u>
 <u>State Appropriation</u>	 <u>\$10,750</u>	 <u>\$10,750</u>	 <u>\$20,850</u>

¹Approximately 70% of the budget increase for FY 82-83 was for purchase of office equipment, approved of by the Budget and Control Board.

Source: Budget and Control Board Document, State Appropriation Act, and Landscape Architects Board.

APPENDIX 2

LANDSCAPE ARCHITECTS BOARD OF REGISTRATION

SCHEDULE OF FEES

	<u>Residents</u>	
	<u>South Carolina</u>	<u>Out-of-State</u>
Application fee for examination	\$150	\$300
Registration fee	50	70
Annual license fee (renewal)	40	50
Temporary license fee	50	100
Certificate of authorization (for Firms)	50	100
Annual certificate fee	40	100
Duplicate license/certificate fee	10	10
Renewal (late fee)	10	10

Source: South Carolina Board of Landscape Architects 1983 Directory and Reference Manual

APPENDIX 3

LICENSURE REQUIREMENTS BY STATE

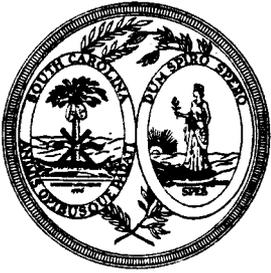
**LICENSURE REQUIREMENTS
BY STATE**

State	† Type of Law	
	T	P
Alabama	X	X
Alaska		
Arizona		X
Arkansas	X	
California		X
Colorado		
Connecticut	X	X
Delaware	X	X
Florida		X
Georgia	X	X
Hawaii		X
Idaho	X	
Illinois		
Indiana	X	
Iowa	X	
Kansas	X	X
Kentucky		X
Louisiana		X
Maine	X	
Maryland	X	X
Massachusetts	X	
Michigan	X	
Minnesota		X
Mississippi	X	X
Missouri		

State	† Type of Law	
	T	P
Montana		X
Nebraska	X	X
New Hampshire		
New Jersey	X	
New Mexico		
New York	X	X
Nevada	X	X
North Carolina	X	
North Dakota		
Ohio	X	
Oklahoma	X	X
Oregon	X	
Pennsylvania	X	X
Rhode Island	X	X
South Carolina	X	X
South Dakota		
Tennessee	X	
Texas	X	X
Utah		
Vermont		
Virginia*		
Washington	X	
West Virginia	X	
Wisconsin		
Wyoming		

† T designates Title. P designates Practice.
* Optional State Certification

Source: American Society of Landscape Architects 1983
Handbook, p. 320.



State of South Carolina

**LAND RESOURCES CONSERVATION COMMISSION
THE BOARD OF REGISTRATION FOR LANDSCAPE ARCHITECTS**

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November 15, 1983

Mr. George L. Schroeder
Director
Legislative Audit Council
620 Bankers Trust Tower
Columbia, South Carolina 29201

Dear Mr. Schroeder:

The South Carolina Landscape Architects Registration Board appreciated the opportunity to review the draft of the Legislative Audit Council Report regarding our Board.

Other than the minor corrections which we recommended in our conference with Ms. Anne Carruth on Thursday, November 10, we feel that the report is, for the most part, a fair and accurate assessment of the operation of the Landscape Architects Registration Board.

I would like to commend the Senior Auditor, Ms. Anne Carruth, and her staff for the courteous and professional way in which they conducted this audit.

If you need further information regarding the Landscape Architects Board of Registration or the professional practice of landscape architecture, please let us know.

Sincerely,


Cary D. Chamblee
Deputy Director

CDC:mdw

cc: John W. Parris
George H. Pickels

BOARD OF ARCHITECTURAL EXAMINERS

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INTRODUCTION

After reviewing the operation of and laws regarding the Board of Architectural Examiners, the Audit Council concludes that regulation of architects is needed to protect the general public. However, certain changes need to be made to the Board's operations, statutes and rules and regulations.

BACKGROUND

The Board of Architectural Examiners was created by Act 106 of 1917, placing South Carolina among the first fourteen states to regulate the practice of architecture. Since 1951, every state has been regulating this profession.

The Board, according to Section 40-3-30 of the 1976 South Carolina Code of Laws, is appointed by the Governor and composed of five members. One member is to be a professor of architecture or engineering at a State-controlled university or college, and the other four must be "reputable" architects practicing in the State. Members are appointed to five-year terms with no statutory limit on the number of terms they may serve.

The mission of the Board, according to its five-year plan, is to:

...ensure that only qualified professionals are permitted to practice architecture in the State; that all qualified professionals abide by applicable Statutes, Rules, and Regulations; to examine; to license; and to oversee the profession of Architecture.

Legal restrictions on the operations of the Board and the practice of architecture are found in Section 40-3-10 through 110 of the 1976 South Carolina Code of Laws and State Regulations 11-1 through 11-19.

Topics addressed include:

- 1) administrative procedures for the Board;
- 2) qualifications of applicants;
- 3) testing;
- 4) fee structures;
- 5) practice of firms, corporations and partnerships;
- 6) contracts for architectural services; and
- 7) disciplinary proceedings.

SUNSET QUESTIONS AND FINDINGS

- (1) DETERMINE THE OVERALL COSTS, INCLUDING MANPOWER, OF THE AGENCY UNDER REVIEW.

The total operating budget of the Board of Architectural Examiners is derived from license and examination fees (see Appendix 1). From FY 78-79 to FY 82-83 the Board's expenditures increased from \$43,379 to \$93,539 while revenues increased from \$49,784 to \$107,690. The Board is self-supporting through fees collected and deposited in the General Fund. The Board employs a part-time director, a part-time investigator, a part-time secretary and a full-time secretary. The largest expenditure is in personal services.

- (2) DETERMINE THE AMOUNT OF THE INCREASE OR REDUCTION OF COSTS OF GOODS AND SERVICES CAUSED BY THE ADMINISTERING OF THE PROGRAM OR FUNCTIONS OF THE AGENCY UNDER REVIEW.

The programs and functions of the Board do not directly affect the cost of architectural services in South Carolina. The Board does not regulate fees architects charge. The primary function of the Board is the testing and licensing of architects. Presumably the fees charged by the Board to architects and firms are passed on to consumers. However, the Board has a regulation, although not enforced, which prohibits price competition.

Regulation Prevents Price Competition

Rule 11-17 of the Board's Rules and Regulations states:

Architects shall not enter into a contract for professional services on any basis other than direct negotiation thereby precluding participation in any system requiring a comparison of compensation.

This rule prohibits competing on a price-for-service basis.

In 1978, the Attorney General's office ruled that Rule 11-17 is in violation of the Sherman Antitrust Act (15 U.S.C.1). Additionally, the Attorney General stated that this rule restrains competition among architects. The Board then determined it would not try to enforce Rule 11-17. In a letter to the Board of Architectural Examiners dated June 28, 1983, the Attorney General's office reiterated that Rule 11-17 is a violation of Federal law. Additionally, the Board has notified all registered architects and architectural firms that this rule would not be enforced. In September 1983, the Board recommended deletion of this rule.

Although abolition of Rule 11-17 was recommended in the 1979 Audit Council review of this Board, the Board has not taken adequate action to have this rule removed. The abolition of Rule 11-17 would mean that the cost of services could be considered before rather than after the architect is selected.

RECOMMENDATION

THE BOARD OF ARCHITECTURAL EXAMINERS
SHOULD REMOVE RULE 11-17 FROM ITS RULES
AND REGULATIONS. AFTER THIS RULE IS DELETED,
THE BOARD SHOULD NOTIFY ALL REGISTRANTS
AND FIRMS OF THIS CHANGE.

(3) EVALUATE THE EFFICIENCY OF THE ADMINISTRATION OF THE PROGRAMS OF FUNCTIONS OF THE AGENCY UNDER REVIEW.

The main function of the Board is the testing and licensing of applicants. The Board is responsible for ensuring that only licensed architects practice architecture. The Council found the Board to have problems in the regulation of architects. These problems are discussed in more detail below.

Statutes Need Clarification

State Board of Architectural Examiners statutes require that all plans of an "architectural nature," excluding single family residences, be prepared by a registered architect or architectural firm. However, it is unclear to contractors, building officials and other individuals that which the Board defines as "architectural in nature." There is no minimum size or value a project must be before an architect is required. In contrast, both North Carolina and Georgia have either specific minimum size or value requirements for projects an architect is required to design. Because "architectural in nature" is vague, it could be restrictively interpreted to require an architect to design any type building (excluding single-family residences).

Additionally, Section 40-3-160 of the 1976 South Carolina Code of Laws which is found in the Board's statutes states:

Nothing in this chapter shall be construed to prohibit a general contractor or a home builder from preparing such drawings, specifications and final plans as may be an integral part of the construction.

According to Board officials, and records examined by the Council, contractors and building officials have interpreted this section to allow

contractors and other individuals to design and construct buildings which are of an "architectural nature." Also, an attorney for one county advised the building inspector that the Board, because of this section, is not authorized to require that all plans, except single family residences, be prepared by an architect. This attorney further stated that an architect's seal is required only if required by that county's ordinances.

The Attorney General's Office has interpreted Section 40-3-160 of the South Carolina Code to mean that architectural plans can only be prepared by registered architects or architectural firms. In a letter to a county building official concerning contractors preparing "architectural type" work, the Attorney General's Office stated:

You have referred to Section 40-3-160(1) and apparently feel that this provision permits general contractors and home builders to prepare architectural plans. This is certainly not the case. Section 40-3-160(1) merely permits a general contractor and home builder to prepare what is commonly referred to as "shop drawings."

Shop drawings are considered those used to detail or illustrate a portion of work required to construct a project in accordance with plans prepared by an architect. The Attorney General's Office is in the process of preparing a position paper concerning which plans are considered "architectural in nature" and would require an architect's seal. A clear definition of plans (or "shop drawings") contractors or other builders can prepare is needed, as well as an interpretation of what is "architectural in nature."

Nonlicensed Architects Designing Architectural Projects

During the course of this audit, the Council found that architectural projects, required by law to be designed by licensed architects, were designed by nonlicensed architects. Nonlicensed architects have prepared architectural plans for commercial projects, and obtained building permits from local building officials, for plans which do not bear the seal of a licensed architect. Not until after the projects were constructed did the Board of Architectural Examiners discover that nonlicensed architects designed the projects.

For example, in 1982 a condominium project was designed by an individual not licensed to practice architecture. A permit was issued by the county building inspector and the project was completed. Afterwards, the Board of Architectural Examiners discovered the project was not designed by a licensed architect.

In another county, a nonlicensed individual designed a motel valued at \$500,000 and other commercial projects. After the motel and other projects were built, the Board discovered they were not designed by an architect.

Additionally, one city employed a nonlicensed architect to design a community center. After the building was completed, the State Fire Marshall found violations of the Standard Building Code, the Standard Fire Prevention Code, and the State's Handicap Code. In this case, a building permit was not necessary because the building was city-owned. However, all architects, including those employed by government agencies, are required by State law to be licensed by the Board.

The unlicensed practice of architecture has occurred because of several reasons. First, local building officials are only required to

enforce the building codes in their jurisdiction. These officials issue permits for plans which comply with the building statutes of that locality. Local laws may not specifically require "architectural plans" to bear the seal of a licensed architect, although State laws specifically require such seals. Therefore, building officials could issue a permit for plans not sealed by an architect if the plans comply with local standards.

Secondly, as stated on page 34, it is unclear to building officials what the Board considers "architectural in nature," thereby requiring an architect's seal. For example, single-family residences are specifically exempt from the Architect Board's statutes. However, it is unclear if duplexes, which may be smaller in size than single-family residences, are exempt from Board regulation. Additionally, it is unclear as to what type or size commercial buildings are required to be designed by licensed architects. If building officials had an outline or interpretation of what is "architectural in nature," they may be better able to refuse permits for architectural plans not sealed by architects.

Conclusion

The primary function of the Board is to license architects and to ensure only properly licensed individuals and firms practice architecture. This could be more efficiently accomplished if contractors, building officials, architects and related professions had a better idea of the projects which require an architect's seal.

RECOMMENDATIONS

THE GENERAL ASSEMBLY, IN CONJUNCTION WITH
THE BOARD OF ARCHITECTURAL EXAMINERS,

SHOULD PREPARE A DEFINITION OF THE TYPE PLANS (SHOP DRAWINGS) CONTRACTORS AND OTHER BUILDERS CAN PREPARE IN ACCORDANCE WITH SECTION 40-3-160(1) OF THE 1976 SOUTH CAROLINA CODE OF LAWS. THE BOARD SHOULD PROVIDE ALL BUILDING OFFICIALS WITH THIS DEFINITION. ADDITIONALLY, THESE INDIVIDUALS SHOULD BE PROVIDED WITH AN OUTLINE OF THE TYPE OF PROJECTS WHICH ARE "ARCHITECTURAL IN NATURE" AND WOULD BE REQUIRED TO BE DESIGNED BY AN ARCHITECT.

Policies Manual Needed

The Board does not have a policies manual outlining its policies or interpretations of statutes, rules and regulations. Periodically at Board meetings, decisions concerning the interpretation of statutes, rules and regulations are made. These decisions can only be found in the board minutes. A policies manual would be useful in ensuring consistency in decision making and would provide easy access to policy decisions.

RECOMMENDATION

THE BOARD OF ARCHITECTURAL EXAMINERS SHOULD DEVELOP A POLICIES MANUAL TO MAINTAIN BOARD POLICIES AND INTERPRETATIONS OF STATUTES, RULES AND REGULATIONS.

Licensure Requirements Too Restrictive

Section 40-3-60 of the 1976 South Carolina Code of Laws, lists five qualifications an individual must meet in order to be licensed as an architect. These requirements are:

- (1) Be at least 25 years of age;
- (2) Have a high school diploma;
- (3) Have eight years practical experience or graduated from an accredited school of architecture and have three years practical experience;
- (4) Have a sound working knowledge of architectural design, planning, materials, construction, sanitation, mechanical equipment, costs, business administration, building law and professional practice and ethics;
- (5) Be of "good moral character and trustworthy."

The Council found that the licensure requirements of age and good moral character measure neither the skill, competency, or ability of a person in architecture nor do they offer the public any indication of professional qualifications. The minimum age requirement should be eliminated and the term "good moral character" defined by measurable, objective standards based upon individual past performance. Personal conduct which does not affect the manner in which the architect performs his trade should not be a consideration for licensure. Only those traits which affect the architect's honesty and integrity in the marketplace should be examined. The Board is on record as supporting these changes.

Examination Process

To become a registered architect, all 50 states require that candidates pass the Uniform Architect Registration Examination (A.R.E.). The intent of this examination, written by the National Council of Architectural Registration Boards (NCARB), is to "...evaluate an applicant's competence in the protection of public health, safety and welfare..." while providing architectural services.

Prior to 1983, candidates without an accredited architecture degree were required to pass a Qualifying Test of basic architectural knowledge before taking a second test, the Professional Examination. Candidates with this degree were required only to pass the Professional Examination.

In June 1983, the two examinations were combined into one nine-division test, which both degreed and nondegreed candidates must pass to become registered. It is given over four consecutive days and contains the following divisions:

Division A - Pre-Design

Division B - Site Design

Division C - Building Design, Building Systems

Division D - Structural Technology - General

Division E - Structural Technology - Lateral Forces

Division F - Structural Technology - Long Span

Division G - Mechanical, Plumbing, Electrical, and

Life Safety Systems

Division H - Materials and Methods

Division I - Construction Documents and Services

All divisions except part of section B (Site Design) and C (Building Design/Systems) are graded by the Educational Testing Services.

Divisions B and C are graded by regional panels of architects in which each state in the region is represented.

When the new Uniform Architect Registration Examination was first given in June 1983, South Carolina candidates had a pass rate which was higher than the southern region pass rate and the national pass rate for each of the nine divisions (see Table 1).

TABLE 1
NCARB EXAM STATISTICS FOR JUNE 1983

<u>Division</u>	<u>Passed (S.C.)</u>	<u>Failed (S.C.)</u>	<u>Number Tested (S.C.)</u>	<u>Percentage Passing</u>		
				<u>S.C.</u>	<u>Southern Region</u>	<u>National</u>
A	38	22	60	63.3	50.1	60.8
B	20	44	64	31.3	27.0	25.7
C	28	32	60	46.7	44.4	39.2
D	23	28	51	45.1	30.2	39.0
E	36	15	51	66.7	59.0	63.8
F	36	15	51	70.6	53.3	59.1
G	37	8	45	82.2	66.4	70.0
H	33	4	37	89.2	63.2	65.3
I	43	17	60	71.7	56.0	61.2
All Divisions ¹	4	22	26	15.4	9.2	10.8

¹Statistics for examinees who took all nine divisions in June 1983.
Source: NCARB Statistical Summary Tables.

To pass the A.R.E., candidates must make a passing score on each division. The NCARB determines the passing score based on a converted score which measures the difficulty of the test. Board policy does not require that all nine divisions be taken in one sitting and candidates must retake only the divisions they fail. However, Board regulation 11-9 states that initially, all nine divisions have to be taken

at one sitting. Therefore regulation 11-9 does not comply with Board policy.

RECOMMENDATION

BOARD REGULATION 11-9 SHOULD BE AMENDED
TO COMPLY WITH THE BOARD'S POLICY CONCERNING
THE NUMBER OF DIVISIONS OF THE EXAMINATION
WHICH MUST BE TAKEN ON THE INITIAL SITTING.

Continuing Education Not Required

The Board of Architectural Examiners has no requirements which mandate continuing education for architects. According to Board officials, the National Council of Architectural Registration Boards (NCARB) is considering the establishment of continuing education standards for use on a national basis.

Continuing education requirements would help ensure professional expertise in the architect profession. The absence of continuing education requirements can have a significant effect on the quality of structures designed by architects. New design ideas, more effective methods of conserving energy and innovative uses of building materials are continuously emerging. As soon as a workable system of continuing education is proposed by the NCARB, the South Carolina Board of Architectural examiners should move to adopt it.

- (4) DETERMINE THE EXTENT TO WHICH THE AGENCY UNDER REVIEW HAS ENCOURAGED THE PARTICIPATION OF THE PUBLIC AND, IF APPLICABLE, THE INDUSTRY IT REGULATES.

The Board maintains an active relationship with the South Carolina chapter of the American Institute of Architecture. Additionally, the Board notifies the public of its meetings. However, there are no public members on the Board.

Public Member Needed

The Board of Architectural Examiners is required by law to be composed of five architects. Section 40-3-30 of the 1976 South Carolina Code of Laws states in part:

The Governor shall appoint a Board of Examiners to be known as the State Board of Architectural Examiners, composed of five persons, one of whom shall be professor of architecture or engineering in a university or college controlled by the State and four of whom shall be reputable architects engaged in the actual practice of the profession in this State.

Adding a public member to the Board would help balance the interests of the architect members. Both North Carolina and Georgia have public members on their boards regulating architects. The Board is on record as supporting the addition of a public member.

RECOMMENDATION

THE GENERAL ASSEMBLY SHOULD CONSIDER AMENDING SECTION 40-3-30 OF THE 1976 SOUTH CAROLINA CODE OF LAWS TO PROVIDE ONE ADDITIONAL MEMBER TO THE BOARD OF ARCHITECTURAL EXAMINERS. THIS MEMBER SHOULD BE A REPRESENTATIVE OF THE GENERAL PUBLIC.

- (5) DETERMINE THE EFFICIENCY WITH WHICH FORMAL PUBLIC COMPLAINTS FILED WITH THE AGENCY CONCERNING PERSONS OR INDUSTRIES SUBJECT TO THE REGULATION AND ADMINISTRATION OF THE AGENCY UNDER REVIEW HAVE BEEN PROCESSED.

The Board acts upon complaints in an efficient manner. However, the system for filing complaints should be improved.

Separate Complaint Files Needed

The Board's system of filing complaints needs improvement. Complaint information concerning architects is maintained only in each individual architect's file. A review of complaints indicated that it was difficult to determine information concerning a complaint from other information maintained in the registrant's file. Additionally, it was difficult to determine the number of complaints against an architect. As shown in Table 2, the number of complaints handled by the Board has increased since FY 80-81.

TABLE 2
ANALYSIS OF COMPLAINTS FOR THREE-YEAR PERIOD

<u>Type of Complaint</u>	<u>FY 80-81</u>	<u>FY 81-82</u>	<u>FY 82-83</u>
Unregistered firm	34	28	28
Unregistered individual	6	6	24
Other	<u>4</u>	<u>8</u>	<u>3</u>
TOTAL	<u>44</u>	<u>42</u>	<u>55</u>

Separate complaint files would facilitate Board review and analysis of complaints. It would increase the efficiency of retrieving complaint information pertaining to a registrant.

Additionally, the Board has not developed policies and procedures for handling complaints. There are no guidelines outlining the type of complaints deserving priority attention or other standards for the part-time investigator to follow. Additionally, Board members sometimes investigate complaints. It is unclear as to whether one member or all members will investigate certain complaints.

RECOMMENDATIONS

THE BOARD OF ARCHITECTURAL EXAMINERS SHOULD CONSIDER MAINTAINING INDIVIDUAL COMPLAINT FILES. THESE FILES SHOULD CONTAIN ALL INFORMATION RELEVANT TO A COMPLAINT.

THE BOARD SHOULD ESTABLISH POLICIES AND PROCEDURES FOR THE INVESTIGATION AND DISPOSITION OF COMPLAINTS FILED WITH THE BOARD.

- (6) DETERMINE THE EXTENT TO WHICH THE AGENCY UNDER REVIEW HAS COMPLIED WITH ALL APPLICABLE STATE, FEDERAL AND LOCAL STATUTES AND REGULATIONS.

The Board of architectural examiners is not subject to any Federal or local legislation. The Board has complied with State laws governing its operations. The Board has a regulation which the Attorney General's Office has stated is not enforceable (see p. 33).

- (7) DETERMINE THE EXTENT TO WHICH THE AGENCY DUPLICATES THE SERVICES, FUNCTIONS AND PROGRAMS ADMINISTERED BY ANY OTHER STATE, FEDERAL, OR OTHER AGENCY OR ENTITY.

The Board does not duplicate the services, functions and programs of any other State, Federal, or local government entity. Although there are other State boards which deal with related professions (contractors, home builders, engineers) the Board is the only entity responsible for the regulation of the practice of architects.

- (8) DETERMINE THE ECONOMIC, FISCAL AND OTHER IMPACTS THAT WOULD OCCUR IN THE ABSENCE OF THE ADMINISTERING OF THE PROGRAMS OR FUNCTIONS OF THE AGENCY UNDER REVIEW.

The main function of the Board is the testing, licensing, and certification of architects. Deregulation of the architectural profession could result in a serious threat to the public health, safety and welfare. Without regulation, those who would hold themselves out as architects to the public may not possess the necessary level of competence. There would be less assurance that those performing

architectural work do so in accordance with building codes. It could also have far-reaching economic ramifications. Lending institutions may not finance buildings designed by unregistered architects. Also, due to the nation-wide network of reciprocity and the level of qualifications of other states, South Carolina architects would not be able to practice in other states without going through that state's examination process.

APPENDICES

APPENDIX 1

SOUTH CAROLINA BOARD OF ARCHITECTURAL EXAMINERS

STATEMENT OF REVENUES AND EXPENDITURES

<u>Revenues</u> ¹	<u>FY 78-79</u>	<u>FY 79-80</u>	<u>FY 80-81</u>	<u>FY 81-82</u>	<u>FY 82-83</u>
Application and Examination Fees	\$10,225	\$13,870	\$15,995	\$23,295	\$ 14,260 ²
Annual Fees	2,945	5,450	9,225	8,400	91,950 ²
Renewal Fees	28,710	24,475	42,515	49,735	-
New Firm Registration Fees	850	1,000	1,075	1,200	-
Firm Renewal Fees	7,025	7,225	7,575	8,250	-
Refunds	(75)	-	-	-	-
Miscellaneous	104	96	188	295	1,480
TOTAL	<u>\$49,784</u>	<u>\$52,116</u>	<u>\$76,573</u>	<u>\$91,175</u>	<u>\$107,690</u>
<u>Expenditures</u> ¹					
Personal Service	\$17,473	\$19,616	\$27,165	\$33,112	\$ 40,436
Employer Contrib.	2,214	2,498	3,951	5,010	6,340
Office Equipment Repair	115	281	313	538	467
Printing	2,808	2,075	2,075	2,544	2,125
Telephone	948	1,462	1,366	1,094	2,217
Professional and Legal Fees	300	1,329	37	250	1,267
Dues & Registration Fees	1,349	900	1,250	1,835	2,767
Testing Service	-	5,218	1,797	350	664
Other Contra. Services	570	140	734	47	262
Supplies	6,529	2,392	7,884	17,130	9,339
Postage & Freight	1,422	1,736	1,286	2,383	3,107
Rent-Real Property	5,354	5,784	6,627	7,463	8,925
Rent-Other	-	-	-	759	2,148
Insurance	298	228	239	342	160
Travel	3,654	5,249	5,210	6,445	7,932
Office Equipment	345	1,020	253	87	5,384
TOTAL	<u>\$43,379</u>	<u>\$49,928</u>	<u>\$60,187</u>	<u>\$79,389</u>	<u>\$ 93,539</u>
<u>State Appropriation</u>	<u>\$48,195</u>	<u>\$55,695</u>	<u>\$62,501</u>	<u>\$81,196</u>	<u>\$ 97,239</u>

¹Some revenue and expenditure line items have been consolidated in this presentation. Expenditure increases from FY 78-79 are primarily due to personnel, rent and equipment inflationary increases.

²Annual fees, renewal fees, and registration fees are reported as one figure for FY 82-83.

Source: South Carolina State Budget Document and Board records.

APPENDIX 2
SOUTH CAROLINA STATE BOARD OF
ARCHITECTURAL EXAMINERS
FY 83-84 FEE SCHEDULE (PROPOSED)

Application Fee by Examination	\$ 40
Architect Registration Examination (9 Divisions)	220
Application Fee by Reciprocity	40
Annual Fee by Examination	40
Annual Fee by Reciprocity	75
Renewal Fees (S.C.)	40
Late Renewal Fee (S.C.)	50
Renewal Fees (Out of State)	50
Late Renewal Fee (Out of State)	60
New Firms	40
Firm Renewals	25
Rosters	5
Duplicate Certificate	25

APPENDIX 3
LIST OF TABLES

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STATE OF SOUTH CAROLINA
STATE BOARD OF ARCHITECTURAL EXAMINERS

December 22, 1983

Mr. George L. Schroeder
Executive Director
LEGISLATIVE AUDIT COUNCIL
Bankers Trust Tower
Columbia, South Carolina 29201

Re: Sunset Audit Report

Dear Mr. Schroeder:

The State Board of Architectural Examiners appreciates the opportunity given it to review the Audit Council's final draft of the Sunset Audit Report on Wednesday, December 14th. After completing the review, a major concern of the Board is that recommendations to amend the statute "to require building officials to accept only properly sealed plans for architectural projects prior to issuance of the building permit" were omitted in the final report.

Architects are responsible for the design of structures to be used by industrial, commercial, public and private concerns. It is essential that only properly licensed individuals perform these design tasks to ensure that the public's health, safety and welfare is protected. Protection of the public is not likely to be ensured when plans are prepared by individuals not evaluated or examined for their knowledge of architecture.

Our Board believes that a statement should be included in the statute requiring local building officials to accept only properly sealed plans for architectural projects, prior to issuance of the building permit. This service could best be rendered by the building official since he is the final review prior to issuance of the building permit. Building officials are the primary public official in a position to monitor this requirement. The Board recognizes the current definition of "architectural in nature" causes some confusion, however, clarification of this definition is being proposed. Without the provision involving building officials, the Board is made aware of violations after the fact when buildings are in the construction process or completed and corrections are costly where building codes have been violated.

APPENDIX 4 (CONTINUED)

Mr. George L. Schroeder
December 22, 1983

Page 2

The Contractors Licensing Law requires currently that Architects report to the Secretary of the Licensing Board for Contractors all work coming under the Architect's jurisdiction. Under the provisions of the Contractors Licensing Law, Building Officials are also required to refuse to issue permits for any undertaking which would classify the applicant as a general or mechanical contractor. Our Board feels that a similar provision in the Architectural Registration Law would not cause any hardship on the building officials.

Thank you again and we sincerely appreciate your support on behalf of the Board in its continued responsibilities.

Yours very truly,

STATE BOARD OF ARCHITECTURAL EXAMINERS


Don E. Golightly, AIA
Secretary-Treasurer

DEG/jtk

cc: Board Members