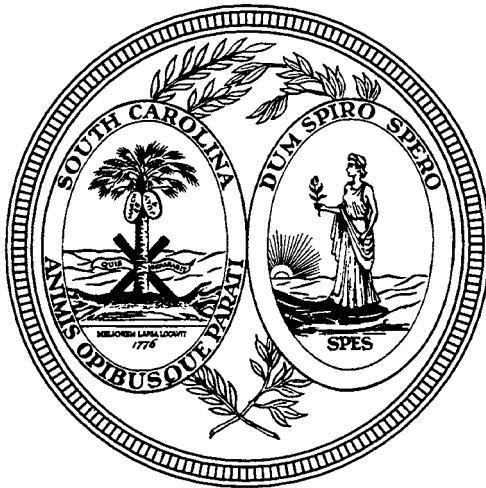


South Carolina Board of Architectural Examiners



Board Policies
November 2002

SOUTH CAROLINA BOARD OF ARCHITECTURAL EXAMINERS



South Carolina Department of Labor Licensing and Regulation
110 Centerview Drive, Kingstree Building
Columbia, SC 29210

Mailing Address:
Post Office Box 11419
Columbia, SC 29211-1419

Phone: (803) 896-4408

Fax: (803) 896-4410

Internet: www.llr.state.sc.us/pol/architects

Board Staff and E-Mail Addresses

Jan B. Simpson, Administrator
Simpsonj@mail.llr.state.sc.us

Alice D. Richardson, Licensing Coordinator
Richardsona@mail.llr.state.sc.us

Todd Bond, Investigator
Bondt@mail.llr.state.sc.us

This booklet contains selected policies of the South Carolina Board of Architectural Examiners and is provided in an effort to clarify certain issues through commentary and additional information. Contents of the booklet are also available on the Web site under "Forms/Pubs."

Index

Sealing Requirements	1
Professional Knowledge and Supervisory Control	1
Seal Descriptions	2,3
Section 40-3-320 – Building Officials Required to have sealed plans	4
Bidding for Services	4
Guidelines Regarding Direct Negotiation	4
Guidelines Regarding Gifts	5
Guidelines Regarding Pre-Design Services	6
Prototypical Plans	6
Representation of Past Experience	7
Architectural and Engineering Practice (Incidental Practice)	8

SEALING REQUIREMENTS

When sealing plans for projects in South Carolina, the individual architect must seal only those plans he/she prepared or which were prepared under his/her direct supervision. Additionally, the firm's seal must appear on all architectural documents. Rubber stamps or embossing seals may be used. Electronically produced seals are permissible but may not be used *instead of* the original seals required.

Two sets of project plans must be sealed with original seals and signatures. Additional sets may be sealed at the architect's discretion or for other purposes, but only two sets are required by South Carolina law to be sealed:

- one set offered to secure a building permit;
- one set for use at the construction site.

Professional Knowledge and Supervisory Control

“Professional Knowledge” means detailed personal understanding of the work prepared under the Architect's supervision, not just the knowledge that qualified people are performing the work. This means that the architect in responsible charge, i.e., the architect sealing the documents, must review and coordinate the preparation of the work prior to signing and sealing the documents.

“Supervisory Control” means the direct responsibility for supervision of the work and the decision making process, i.e., to review, enforce and control compliance with all design criteria and life safety requirements. The people performing the work need not be physically located in the architect's office as long as he/she maintains control of the work.

In order to ensure that the public's life, safety and welfare are properly protected, the architect in responsible charge, i.e., the

architect sealing the documents, must have detailed knowledge of the work and the decision-making process.

An architect may employ people outside of his office, e.g., contract draftsmen, employees of other firms, etc., as long as the architect controls the work, the decision-making process, and reviews and coordinates the work.

The terms “responsible charge,” “supervisory control,” and “professional knowledge” are used throughout the statutes and regulations.

For reference to “responsible charge,” see Sections 40-3-20(8), 40-3-30, 40-3-280; see Regulation 11-10(A) & (C) and Regulation 11-11 (A) & (B)

For reference to “supervisory control,” see Regulation 11-10(C) and Regulation 11-12(D)(1).

For reference to “professional knowledge,” see Regulation 11-12(D)(1).

Section 40-3-280. Seals

(A) Every architect and firm practicing in this State shall have a seal, the impression of which shall contain the name, the place of business, and the words "Registered Architect, State of South Carolina" with which they shall stamp all drawings, prints, and specifications for use in their profession.

(B) The seal of the individual architect in responsible charge, as well as the seal of the firm, must appear as an original on each print of the drawings and the index sheet, or sheets, of each set of specifications offered to secure a building permit and one record set for use on the construction site. The required seal identification may be a rubber stamp impression placed on original drawings and specification copy. The architect in responsible charge shall affix his signature over his seal.

Regulation 11-11. Seals.

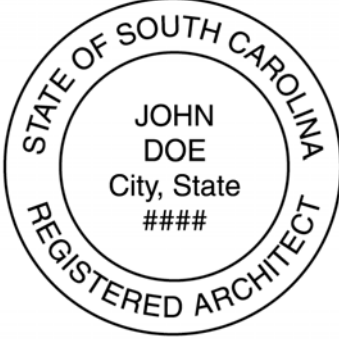
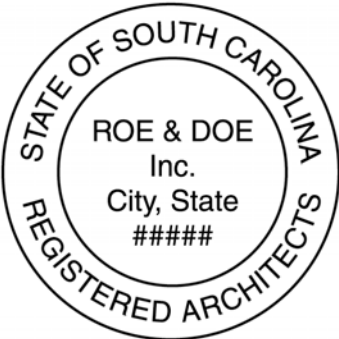
A. The personal seal and signature of the architect in responsible charge and the architectural firm’s seal shall appear

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

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

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

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



Section 40-3-320. Building officials required to have sealed plans

The building official or other authority charged with the responsibility of issuing building or other similar permits of any county, municipality, or other subdivision, before issuing the permit, must be in possession of a sealed set of plans and specifications for which the seal of a registered architect is required and to verify that the architect who sealed the architectural plans and specifications is an architect registered in South Carolina.

February 1992

BIDDING FOR SERVICES

Section 40-3-300 provides for the following:

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. Provided, however, an Architect may state compensation to a prospective client in direct negotiation where architectural services necessary to protect the public health, safety and welfare have been defined.

Based on an Attorney General's Opinion, the Board has established the following guidelines for projects not subject to the S.C. Consolidated Procurement code (Section 11-35-10 et. seq.) since this code provides comprehensive selection procedures for projects subject to it.

Guidelines Regarding Direct Negotiation

Direct negotiation is a process, not a single act. A minimum of three elements must be present to constitute direct negotiation:

1. Dialogue, discussions, and/or direct communications between the architect and the potential client for the specific purpose of determining the scope of the project;
2. Evidence of a clear and mutual understanding of the scope of the project and the architectural services that will be necessary to protect public health, safety and welfare; and
3. Documentation of the entire process.

Guidelines Regarding Gifts

1. A gift is defined as money, property, services, discounts, rebates, loan forgiveness or anything of value if equal or greater value is not given in return.
2. An architect, firm, corporation, professional association/corporation or partnership may give gifts if it is strictly for a charitable cause and is given with no intent to receive something of equal or greater value at a later time.
3. A fee arrangement submitted in a proposal for a study, pre-design, or preliminary design service, when future opportunities for additional work on the project are also available to the offerer, must be consistent and representative of the real cost of services to be performed.

Regulation 11-12 (A)(1) and (D)(2) provide that:

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

(D)(2) An architect or firm shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgement of an existing or prospective client.

Guidelines Regarding Pre-Design Services

A feasibility study, or study, is a pre-design services offered by many architects and non-architects. The Board distinguishes feasibility study, or study, as architectural practice subject to the Architectural Registration Law and Section 40-3-300 when the following conditions occur:

1. The feasibility study, or study, is provided in combination with architectural services by the same firm.
2. The feasibility study, or study, is provided in anticipation of, or with the expectation of providing architectural services by the same firm.

When a study is undertaken without the intent or ability to provide subsequent architectural services related to the results of the study, it shall not be considered governed by the Architectural Registration Law or its sections.

PROTOTYPICAL PLANS (Revised November 1997)

A) Definition: Prototypical plans are model plans of buildings designed for clients (such as fast food chains, postal services, etc.) that are intended to be built in several locations with substantially few changes, except those required to adapt the plans to each particular site.

B) Policy:

The Architect must:

- 1) Have written permission of the original architect to adapt the plans;
- 2) Completely review the plans for code compliance and coordination, see that the engineering drawings are properly sealed, and document all reviews and changes made to the plans;
- 3) Remove or void title blocks or seals of other architects on all drawings;
- 4) Take responsibility for plans that he seals.

REPRESENTATION OF PAST EXPERIENCE

In September 1990, the South Carolina State Board of Architectural Examiners developed these guidelines to illustrate proper methods of presenting past experience.

An architect who has been an employee of an architectural practice cannot claim credit for projects contracted for in the name of the previous employer. To do so is a misrepresentation of facts.

An architect should state next to the identification of a project that he or she gained individual experience in connection with the project but that the experience was acquired as an employee of another firm and identify that firm. The architect should also describe the nature and extent of participation in the project.

An architect who formerly was a principal in a firm may legitimately make additional claims provided he or she identifies and explains these claims. The individual should state that his or her responsibilities included securing the commission, design, project management, or similar relevant activities.

In similar fashion, the original firm where a principal or architect leaves has the same obligation to accurately present the experience and capabilities of the remaining staff. These should include activities related to securing the commission, design, project management, or similar relevant experiences.

Finally, projects which remain unconstructed, that are listed as credits, should be identified as “unbuilt” or under a similar designation.

The South Carolina State Board of Architectural Examiners strongly recommends all architects to address credit issues in employer/employee contracts or partnership agreements. This will enable architects to determine in advance how such credit will be treated in the event of a future separation. The Board will honor these determinations provided they are not misleading to clients or the public.

Regulation 11-12 (B)(2), (D)(3) and (D)(4)

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

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

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

Revised for new Regulations 9/23/99

ARCHITECTURAL AND ENGINEERING PRACTICE IN SOUTH CAROLINA (INCIDENTAL PRACTICE)

In order to clarify the necessary overlap of the practice of Architecture and the practice of Engineering, the S.C. State Board of Architectural Examiners and the S.C. State Board of Engineering Examiners held a joint conference in Columbia, S.C., on July 25, 1962, at which they agreed upon and adopted the following resolution covering rules of procedure in connection with the interpretation and enforcement of the Code of Laws of South Carolina, 1976, Chapter 3, Sections 40-3-05 to 40-3-310, governing the practice of Architecture; and Chapter 22, Sections 40-22-10 to 40-22-470, as amended, governing the practice of Engineering in the State of South Carolina.

Resolution

No Registered Engineer shall undertake a project which is primarily architectural and no Registered Architect shall undertake a project which is primarily engineering; however, no provision of the State Laws referred to above shall be so construed as to prevent any Registered Architect from doing such engineering work, for which he is qualified, as may be incidental and necessary to the completion of any architectural work lawfully undertaken by such Architect; nor so construed as to prevent any Registered Engineer from doing such architectural work, for which he is qualified, as may be incidental and necessary to the completion of any engineering work lawfully undertaken by such Engineer, as defined in the Code of Laws of South Carolina listed above.

The two Boards must be guided and controlled by the definitions contained in their respective registration laws but may use discretion in interpreting them.

If engineering or architectural work is performed by persons who are not full-time employees of the Registered Engineer or Registered Architect employed by the client for the project, those persons shall be registered in the profession concerned and the registered person's name shall appear on all documents, plans, etc., prepared by them, when issued for that particular project.

Additional information about the Board of Architectural Examiners is located on the internet at www.llr.state.sc.us/pol/architects. Additional information about the S.C. Board of Registration for Professional Engineers and Land Surveyors is located on the internet at www.llr.state.sc.us/pol/engineers/ .

Proviso here