

1. **From:** Clay Wine [mailto:CWine@berenyi.com]
Sent: Friday, October 16, 2009 10:13 AM
To: Melissa Jones
Subject: Proposed changes: CA Services

Board of Architectural Examiners
PO Box 11419
Columbia, S.C. 29211-1419

Re: **Proposed changes to the Regulations governing the practice of
Architecture in South Carolina:
Construction Administration Services**

Dear Board Members:

Thank you for including construction administration services in the proposed changes. To protect the health, safety and welfare of the public, it is very important that the architects most familiar with the design remain on the job until the project is complete. This will close the loophole that allowed owners, contractors and building officials to make unauthorized changes to the design during construction. It will also help reduce construction errors and omissions that may be missed by those less familiar with the design.

To make this requirement more effective, **CA must be assigned to the architect serving as the design professional in responsible charge.** This has several benefits:

1. *Design Responsibility.* Design does not end when the building permit is obtained. With the sealing architect on the job during construction, design changes can easily be made and documents modified as required by code. The architect's holistic approach to design will help prevent design changes from causing problems in other systems.
2. *Verification.* As presently written, verification may be difficult. If the owner says that they will hire another architect for CA services, the architect in responsible charge will not be able to confirm that these services are being performed or if another architect was actually hired. There will be no one to verify that CA is being performed by an architect and no one to notify the permitting authority. The best way to make sure that these services are performed is to keep the responsibility with the architect in responsible charge.
3. *Education.* The best continuing education is in the job trailer. Nothing improves design and communication skills better than

4. *The Profession.* Current trends may marginalize architects and devalue the profession by delegating important responsibilities to less qualified people. Required CA will reestablish the architect's role as leader of the design and construction process and result in better projects, a win-win situation.

Architects typically coordinate professional services and hire consultants as needed. The architect in responsible charge should be able to use in-house staff or hire consultants to perform CA services in the manner they decide is most appropriate for the project. With the architect in responsible charge coordinating the services, continuity of responsibility is maintained and a safer building will result.

Although this proposed change is a step in the right direction, requiring CA services by architects can only work if the Owner, Contractor, and Building Official are also required to follow the same rules. The NCARB Model Regulations recommend adding: *"If an architect is not engaged to perform the designated minimum construction phase services, then the owner is deemed to be himself/herself engaged in the unauthorized practice of architecture."* This permits civil penalties if owners do not comply.

Again, thank you for this proposed change and the opportunity to provide comments. I encourage the Board to post all of the comments online for review by architects and the public. If you have any questions, please let me know.

Clay Wine, AIA
Director of Architecture
BERENYI INCORPORATED
49 Immigration Street, Suite 201
Charleston, SC 29403
(843) 284-2000
berenyi.com

2. **From:** Mike Blanchard [mailto:Mike@blanchardconst.com]
Sent: Tuesday, November 17, 2009 12:01 PM
To: jonesm@llr.sc.gov
Cc: Clay Wine
Subject: Charleston Contractors Association letter Concerning \changes to code

Dear Ms. Jones:

Please find attached a letter from The Charleston Contractors Association concerning the changes to the Regulations governing the practice of Architecture in South Carolina. If you would like any additional comments or discussion I may be reached at the numbers below. If you would like more information on the CCA please click the link. <http://www.charlestoncontractors.org/>

Thank you,

Mike Blanchard
Charles Blanchard Construction Corp.
Phone 843 747-5757 Fax 843 747-5758
Mobile 843 514-0962 November 17, 2009

LETTER BELOW

Ms. Melissa Jones, Program Assistant
SC Department of Labor Licensing and Regulation
110 Centerview Drive
Columbia, SC 29211-1419

Re: Changes to Code Sections 40-3-60 and 40-1-70
SC Board of Architectural Examiners Chapter 11

Dear Ms. Jones:

We would like to express our concern over changes in 11-12 B 4 and 5 of the above referenced document. It is our position that the sealing architect and firm in responsible charge should be the only person allowed to perform the minimum construction services on a project. It makes no sense that another architect would administer a project that he did not design. This will open the doors to so called "Construction Management" firms to provide administration services when they have no professional liability for the design of the project.

We have found that the most effective team on a project is where the sealing architect performs the construction administration and is working directly with the general contractor. The reason is that both parties have a direct liability for the finished product where a third party manager has no liability. Please change the

language to require the sealing architect to perform construction administration services on projects.

Thank you,

Mike Blanchard
President

3. **From:** Clay Wine [mailto:CWine@berenyi.com]
Sent: Wednesday, November 18, 2009 2:07 PM
To: Melissa Jones
Cc: scoe@rosenblumcoe.com
Subject: RE: Charleston Contractors Association letter Concerning \changes to code

Please make sure that the attached comment letter is posted on the comment (questions and answers) page. I didn't see it listed there and time for comment is very short. The goal of a comment page is to allow the public and the board to interact, another reason that the author's name must be included, especially if they represent more than one person. The letter in this case is from the President of the Charleston Contractors Association.

I understand that the AIA/SC Board also supports making the sealing architect – the architect in responsible charge – the architect required to perform CA services. Has the LLR received a written comment from the AIA/SC Board? If so, please post it also.

Thanks for your help.

4. Clay Wine, AIA
From: Jeremy G. Wilson [mailto:jwilson@wilsonkibler.com]
Sent: Sunday, November 22, 2009 9:22 AM
To: Jan Simpson
Subject: Arch. oversight

We would respectfully request the hearing and advising on when and where

Jeremy G. Wilson, CPM, CCIM

Grubb & Ellis | Wilson Kibler
1111 Laurel Street (29201)
P. O. Box 11312
Columbia, SC 29211
803.779.8600 main
803.255.8601 direct
803.252.4323 fax
jwilson@wilsonkibler.com

5. **From:** Lockwood, David [mailto:DLockwood@ColliersKeenan.com]
Sent: Sunday, November 22, 2009 9:22 PM
To: Jan Simpson
Subject: architectural standards

I urge you to have a public hearing to hear from interested and affected parties to the changes proposed by the South Carolina Board of Architectural Standards to Chapter 11.

David C. Lockwood, III, CCIM, SIOR
Senior Vice President
Colliers Keenan Inc.

T. 803.401.4211
F. 803.252.4532
E. dlockwood@collierskeenan.com

6. **From:** Gene Green [mailto:ggreen@naiavant.com]
Sent: Monday, November 23, 2009 8:43 AM
To: Jan Simpson; Robert Selman
Cc: Todd Avant; Bruce Harper; Mary Winter Teaster; Lockwood, David; Rick Owen
Subject: Construction Administration limited to Architects

We are extremely concerned over the impact on the regulation under consideration that limits certain construction administration assignments solely to architects. In a field where there are numerous highly qualified and experienced professionals who are not architects, these requirements will not only limit open-market competition, it will also add unnecessary costs to building owners in a time when they are already under extreme operational cost pressures. We would urge LLR to provide for well publicized, sufficiently advanced notice to gain public input on this issue. Thank you for your consideration

NAI Avant

Eugene C. Green
Chief Operating Officer
Broker-In-Charge
NAI Avant
1901 Main Street
2nd Floor
Columbia, SC 29201
www.naiavant.com
Direct: 803-744-9820
Mobile: 803-422-1365
Fax: 803-744-9875

Ggreen@naiavant.com

7. **From:** Frank Hammond [mailto:fhammond@collierskeenan.com]
Sent: Monday, November 23, 2009 9:01 AM
To: Jan Simpson
Subject: Architectural Regs

Ms. Simpson,

Per the proposed regs that would require architectural construction supervision on all projects having stamped plans, please understand that this is not only unnecessary, it is counter productive for the public good. In representing owners & tenants for over 20 years, the redundant red tape continues to grow adding time & costs though little for the welfare & safety of the public. If the architect does their job on the front end, licensed contractors & local code officials are more than equipped to handle it from that point. Should the owner or tenant feel the need for additional representation, qualified construction management services are readily available.

If the point is to slow construction projects, render some altogether financially unfeasible and to increase the bottom line of architectural firms, then by all means please place yet another regulation on the already overburdened backs of the small business people of South Carolina.

Frank Hammond, CCIM, CPM
President / CEO / Principal
Colliers Keenan Upstate, LLC
PO Box 10825
Greenville, SC 29603
(201 E. McBee Ave / Suite 201 / 29601)
p) 864-527-5451
c) 864-270-0761
f) 864-527-5444
fhammond@collierskeenan.com
www.collierskeenan.com

8. **From:** Kevin Collins [mailto:KevinC@candkproperties.com]
Sent: Monday, November 23, 2009 10:06 AM
To: Jan Simpson
Subject: Section 1-23-110(A)(3) of the 1976 Code

C & K Properties is the owner of the property located at 1122 Lady Street, Columbia SC, a/k/a The NBSC Building.

Please allow this message to serve as our official comment to the proposed amendments to the above referenced code.

We object to the requirement that a licensed architect provide construction administration services for ALL renovation and new construction projects which require sealed drawings for permitting. While contract administration services by the architect are a vital part of complicated ground-up construction projects, this requirement will add undue burden and cost to tenant up-fit work that is done in office and retail buildings as well as design/build projects, which most often do not currently incur the cost of contract administration by an architect. Further, a properly licensed construction manager or an owner should not be excluded from providing that service.

We thank you for the opportunity to voice our objection to this proposed amendment and hope that you will reconsider this change.

Please feel free to contact me should you have any questions or require further information.

Kevin Collins
Managing Director - Asset Services & Finance
C & K Properties
675 Third Avenue | Suite 2400
New York, NY 10017
Office - (212) 279-9000
Direct - (212) 405-2681
Fax - (212) 604-0057

9. **From:** Toby Daley [mailto:tdaley@franklinstreetproperties.com]
Sent: Monday, November 23, 2009 10:43 AM
To: Jan Simpson
Subject: South Carolina Board of Architectural Examiners Chapter 11--Proposed Revisions to Regulation 11-12 B. Subsections (4) & (5)

To:
Jan Simpson
Administrator
SC Board of Architectural Examiners
Department of Labor, Licensing and Regulation
P. O. Box 11329
Columbia, SC 29211-1329

Re: South Carolina Board of Architectural Examiners Chapter 11--Proposed Revisions to Regulation 11-12 B. Subsections (4) & (5)

Dear Ms. Simpson:

I represent the ownership of 1441 Main Street, Columbia, South Carolina, a 270,000 square foot, 14-story office tower in Columbia's Central Business District. FSP 1441 Main Street LLC opposes portions of the above referenced

revisions that essentially propose the adoption of the requirement that a licensed architect provide construction administration services for ALL renovation and new construction projects which require sealed drawings for permitting. While contract administration services by an architect are a vital part of complicated, ground-up construction projects, this requirement will add undue burden and cost to less complex, and very frequent tenant upfitting/remodeling work that is done within already completed office and retail buildings as well as design/build projects, which most often do not currently incur the cost of contract administration by an architect. Further, a properly licensed construction manager or owner should not be excluded from providing construction administration services outlined in Chapter 11.

Please accept this letter as notice and recommendation that a hearing be held to hear the comments of interested parties regarding the proposed revisions to Chapter 11.

Thank you.

Leo H. Daley, Jr. ("Toby")
Vice President--Regional Director
Franklin Street Properties
401 Edgewater Place | Suite 200
Wakefield, MA 01880-6210

Phone 781-557-1342 | Fax 781-557-1348
tdaley@franklinstreetproperties.com

- 10. From:** Ron Weathers [mailto:ron@weatherscontracting.com]
Sent: Monday, November 23, 2009 10:44 AM
To: Jan Simpson
Subject: Section 1-23-110(A)(3) of the 1976 Code

*Jan Simpson, Administrator, SC Board of Architectural Examiners,
Department of Labor, Licensing and Regulation, P. O. Box 11329, Columbia,
SC 29211-1329*

Dear Jan,

Please accept this letter as notice that a hearing should be held to hear from interested parties regarding this topic. As a Commercial Real Estate Property Owner, A Commercial Real Estate Developer and a Commercial General Contractor, I believe that the adoption of the requirement that a licensed architect provide construction administration services for ALL renovation and new construction projects which require sealed drawings for permitting will add undue burden and cost to construction projects. These undue costs will undoubtedly prevent many projects from happening which will ultimately have a detrimental effect on the already devastated economy of the State of South

Carolina. While contract administration services by the architect are a vital part of complicated ground-up construction projects, this requirement should not apply to tenant improvement and Design-Build projects.

Thanks, Ron

Ron Weathers, President
Weathers Contracting Company, INC.
2543 Morningside Drive
West Columbia, SC 29169
Phone: (803) 796-9082
Fax: (803) 796-9069
Email: ron@weatherscontracting.com

- 11. From:** Kevin Stanley [mailto:kstanley@lexhealth.org]
Sent: Monday, November 23, 2009 2:20 PM
To: Jan Simpson
Subject: Proposed Changes to "South Carolina Board of Architectural Examiners, Chapter 11" Document

After reviewing the proposed changes to the above mentioned document, it is imperative that a public hearing be held to hear from interested parties. Some of these proposed changes will be costly to property owners and will add no additional value to the construction of the building.

Kevin L. Stanley
Director of Engineering
Lexington Medical Center

- 12. From:** Jeremy G. Wilson [mailto:jwilson@wilsonkibler.com]
Sent: Monday, November 23, 2009 2:10 PM
To: Arch Board
Cc: bway@wilsonkibler.com; Vic Englert; Flynn Bowie
Subject: RE: Arch. oversight

I will be out of town that day but am asking several of my associates to attend. I would like to be on the record of being opposed to this provision. We use arch. often on new, as well as renovation, oversight, however it is not always necessary and adds to the cost. We could also hire someone to oversee the arch, etc

- 13. From:** Stephen Russell [mailto:steve@charlestonarchitect.com]
Sent: Monday, November 23, 2009 2:27 PM
To: mike@blanchardconst.com
Cc: Jan Simpson
Subject: Re: Changes to Code Sections 40-3-60 and 40-1-70

Mike,

Jan Simpson with the Board of Architectural Examiners wants to include you on the upcoming emails relative to the December 9 Hearing on these proposed changes to the architect regulations. We would look forward to you or someone from the Charleston Contractors Association attending, if possible. Thanks.

Steve

Stephen A. Russell, AIA

- 14.** November 23, 2009
Jan B. Simpson, Administrator
SCBoard of Architectural Examiners
Department of Labor, Licensing, and Regulation
P.O. Box 11329
Columbia, SC 29211-1329

Jan,

I would like to request a public hearing and opportunity for public comment regarding a proposed change by SC Board of Architectural Examiners to Regulation 11-12. I absolutely disagree with the idea of being forced to pay for an architect to provide construction administration services to all building renovations that require the services of an architect. I think that it is false claims to reason that this is "to protect the public's health, safety, and welfare". There are highly qualified construction managers who can fill that role just fine if a building owner has that need. It would also be unjust to deny people who are in business as construction managers the opportunity because they are not an architect or to require a building owner to pay for both. Construction costs are high enough without trying to burden building owners with more unnecessary expense.

AI Timmons

15. **From:** Julie Teague [mailto:JTeague@edensandavant.com]
Sent: Monday, November 23, 2009 3:13 PM
To: Jan Simpson
Subject: FW: Architect's CA.pdf - Adobe Acrobat Standard

Hi Jan!

I am the 2009 current president for the IREM SC Chapter 72.

Our SC chapter represents small and large owners and Landlords in SC – Edens & Avant, NAI Avant, Colliers Keenan, Kahn Development, Arnold Companies, CB Richard Ellis, Ziff Properties, Beach Company, Cogdell Spencer, Grubb & Ellis/Wilson Kibler & The Furman Company, Hughes Commercial Properties, etc.

I have received several emails and phone calls today regarding the attached PDF on the change of policy of the SC Board of Architectural Examiners through the LLR.

The concern is that an architect will be required to oversee all building renovations.

As owners and Landlords in this current economy, this would effectively kill any tenant upfits due to the cost involved with paying an architect to oversee such projects.

Can you give me more information regarding this so I can pass along to our membership?

I look forward to hearing from you.

Thank you!

Julie Teague, CPM, CCIM
Director of Property Operations

EDENS&AVANT

1901 Main Street Suite 900

Columbia, SC 29201

Phone (803) 744-6715

Fax (803) 765-0684

Toll free 1-800-662-7212

jteague@edensandavant.com

www.edensandavant.com

16. Ms. Jan Simpson, Administrator
SC Board of Architectural Examiners
Department of Labor, Licensing and Regulation
PO Box 11329
Columbia, SC 29211-1320

Sent via E-mail

Dear Ms. Simpson,

On behalf of Carolinas AGC, the leading trade association for Commercial Contractors in South Carolina, I am writing to request a hearing on the regulatory

changes being proposed to Chapter 11. Carolinas AGC will prepare and submit written comments on specific sections of the regulations prior to the proposed hearing date; but feel it is imperative that the Architectural Board hear from the interested parties on the changes being proposed.

Sincerely,

Leslie

Leslie B. Hope
SC Building Division Director

- 17. From:** Amanda Heaitley [mailto:AHeaitley@edensandavant.com]
Sent: Tuesday, December 01, 2009 5:36 PM
To: Jan Simpson
Subject: LLR update

Dear Ms. Simpson:

As a CPM I also strongly concur with Frank Hammond's email sent to you last week as follows:

"Ms. Simpson,

Per the proposed regs that would require architectural construction supervision on all projects having stamped plans, please understand that this is not only unnecessary, it is counter productive for the public good. In representing owners & tenants for over 20 years, the redundant red tape continues to grow adding time & costs though little for the welfare & safety of the public. If the architect does their job on the front end, licensed contractors & local code officials are more than equipped to handle it from that point. Should the owner or tenant feel the need for additional representation, qualified construction management services are readily available.

If the point is to slow construction projects, render some altogether financially unfeasible and to increase the bottom line of architectural firms, then by all means please place yet another regulation on the already overburdened backs of the small business people of South Carolina. Frank Hammond, CCIM, CPMPresident / CEO / Principal Colliers Keenan Upstate, LLC"

Please respectfully reconsider your position on this.

Thank you,

Amanda E. Heaitley, CPM
Regional Property Manager
Edens & Avant
PO Box 528, Columbia, SC 29202
1901 Main Street, 900 Bank of America Plaza
Columbia, SC 29201
direct line (803) 744-2420
main office line (803) 779-4420

fax: (803) 765-0684
toll free: (800) 662-7212
aheadley@edensandavant.com
www.edensandavant.com

18. **From:** "Jan Simpson" <SimpsonJ@LLR.SC.GOV>
Date: Wed, 25 Nov 2009 14:41:07 -0500
To: Andy Kinghorn<andyk@bjwsa.org>; Cecil Huey, Jr.<cohuey@clemson.edu>; Chuck Joye<chuckj@dsouth.com>; Gene Dinkins<gdinkins@coxanddinkins.com>; M. L. Love<mllove@collinsengr.com>; Nancy Cottingham<nancy@cottingham.us>; Theresa Hodge<hodgeth@cecsinc.com>; Thurl Amick<tamick@bpbarber.com>
Cc: Joe Jones<joe@jma-associations.com>; Susan Duncan<Duncans@llr.sc.gov>; Alice Richardson<richardsona@LLR.SC.GOV>; Robert Selman<SELMANR@llr.sc.gov>; Randy Bryant<BRYANTR@llr.sc.gov>; Michael Anderson<andersonm@llr.sc.gov>; Gary Wiggins<WIGGINSG@llr.sc.gov>; Melissa Jones<jonesm@LLR.SC.GOV>; Sharon Dantzler<dantzlers@llr.sc.gov>
Subject: Board of Architecture proposed changes

Board members:

The Board of Architecture will hold a hearing on December 9, 2009, at 10:00 a.m. in Room 115, Kingstree Building, Columbia, on proposed changes to Regulations. The focus of the hearing will likely be Regulation 11-12(B)(4) and (5), as follows:

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

(5) The minimum construction administration services expected of the ~~sealing architect and firm~~ in responsible charge deemed necessary to protect the health, safety, and welfare of the public shall be periodic site observations of the construction progress and quality, review of contractor submittal data and drawings, and reporting to the building official, ~~and owner, and if applicable, the sealing architect,~~ any violations of codes or substantial deviations from the contract documents which the architect observed.

Realtors, construction management firms, and property/facilities management companies have expressed opposition to the proposed change based, mainly, on additional costs that they believe would be incurred if this change is enacted. The Board invites you to attend the meeting to share your viewpoint--- for or against.

I have spoken with Mike Anderson, Administrator of the Contractors Licensing Board, who stated that the Contractors law regarding Construction Management is not the same as that being proposed by the Board of Architecture. Under CLB statutes, engineers and architects licensed in SC may provide CM services by virtue of their license. Those services include coordination of contractors, subs, review of costs, scheduling, etc.

The definition of the practice of engineering [40-22-20(23)] includes "review of construction for the purpose of monitoring compliance with drawings and specifications..." This is not in conflict with the proposal being made by the Board of Architecture.

The entire text of the proposed regulations is attached. Please let me know if you will be able to attend. If you would like to submit written comments, please send them to me. Thanks!!

Jan B. Simpson, Administrator
SC Board of Architecture
SC Board of Engineers and Surveyors
p: 803-896-4412 f: 803-896-4427
www.llronline.com/pol/architects
www.llronline.com/pol/engineers

- 19. From:** tomr@coastalcarolinacommercial.com
[mailto:tomr@coastalcarolinacommercial.com]
Sent: Tuesday, December 01, 2009 6:26 PM
To: Jan Simpson
Subject: Proposed Regulations

Ms. Simpson,

The proposed regulations are not only unnecessary, but ultimately not in the best interest of the general public. The added cost and time in involving an architect for every project will cause transactions to fall apart and ultimately drive clients to other states with less regulation. These are not the regulations that are needed in these economic times, nor is times of better economic prosperity.

This regulation is surely to be seen as favoritism to one license class at the expense of others.

Enough of this silly stuff.

Tom Rehm, CPM, CCIM
President
tomr@coastalcarolinacommercial.com
Ph: 843.216.8889
Fx: 843.277.6460
Cl: 843.296.6440
www.coastalcarolinacommercial.com

20. **From:** Frank DuPree [mailto:FrankDuPree@vistacm.com]
Sent: Tuesday, December 01, 2009 7:00 PM
To: Jan Simpson
Subject:

Ms. Simpson,

Per the proposed regs that would require architectural construction supervision on all projects having stamped plans, please understand that this is not only unnecessary, it is counter productive for the public good. In representing owners & tenants for over 30 years, the redundant red tape continues to grow adding time & costs though little for the welfare & safety of the public. If the architect does their job on the front end, licensed contractors & local code officials are more than equipped to handle it from that point. Should the owner or tenant feel the need for additional representation, qualified construction management services are readily available.

If the point is to slow construction projects, render some altogether financially unfeasible and to increase the bottom line of architectural firms, then by all means please place yet another regulation on the already overburdened backs of the small business people of South Carolina.

21. **From:** Harris Myers [mailto:hmyers@sreadvisors.com]
Sent: Wednesday, December 02, 2009 8:00 AM
To: Jan Simpson
Subject: proposed Architectural regulations

Dear Ms. Simpson:

Per the proposed regs that would require architectural construction supervision on all projects having stamped plans, please understand that this is not only unnecessary, it is counter productive for the public good. In representing owners & tenants for over 20 years, the redundant red tape continues to grow adding time & costs though little for the welfare & safety of the public. If the architect does their job on the front end, licensed contractors & local code

officials are more than equipped to handle it from that point. Should the owner or tenant feel the need for additional representation, qualified construction management services are readily available.

If the point is to slow construction projects, render some altogether financially unfeasible and to increase the bottom line of architectural firms, then by all means please place yet another regulation on the already overburdened backs of the small business people of South Carolina.

C. Harris Myers, CPM
Strategic Asset Management, LLC
353 N. Shelmore Blvd.- Suite 200
Mt. Pleasant, SC 29464
phone 843-416-1062
fax 843-416-1061

cell 843-696-8030

22. **From:** Meszoros, John (Jack) [mailto:JMeszoros@reitmr.com]
Sent: Wednesday, December 02, 2009 10:02 AM
To: Jan Simpson
Subject: FW: LLR UPDATE - URGENT - see attachment

Ms. Simpson,
I totally agree with Mr. Hammond's comments below.

Jack Meszoros
General Manager
Synergy Business Park

23. **From:** Frank Hammond [mailto:fhammond@collierskeen.com]
Sent: Tuesday, December 01, 2009 5:26 PM
To: Cfenton312@aol.com; lphillips@partnershippm.com;
johndraughn@chicora.net; jharmon@thenoblecompany.com;
Bjsmith731@aol.com; dmcdonough@vistacm.com;
dmcelveen@gardencityrealty.com; courtenay@charlestongreencommercial.com;
dbutler@zpi.net; psv@bellsouth.net; elisa_cooper@kiawahisland.com;
vcddevelopment@comcast.net; elainef@sorem.com; m_gangloff@hotmail.com;
hmyers@sreadvisors.com; ebrs@readrealtors.com; tomr@ccredi.com;
nsimpson@thebeachcompany.com; twalter@thebeachcompany.com;
yonce@semgsc.com; wlb@bosleygroup.com; RMClif@cs.com;
scapell@cogdellspencer.com; linda@rentcolumbia.com;
sduke@edensandavant.com; Jedens3@edensandavant.com;
randy.fisher@wachovia.com; aheaitley@edensandavant.com;
hhodge@ambling.com; babbie.jaco@boydmanagement.com;
jlaboe@westminstercompany.com; mlayden@collierskeen.com;
tmarshall@edensandavant.com; cmattox@intermarkmgmt.com; Meszoros, John

(Jack); reese.quick@sdmcinc.com; sranson@estatesinc.com;
ted@arnoldfamilycorp.com; lreid@intermarkmgt.com;
janet.stanley@boydmanagement.com; ttapp@collierskeen.com;
ppimgmt@bellsouth.net; jteague@edensandavant.com;
ricki.thurman@sdmcinc.com; steve.wade@boydmanagement.com;
ken.wheat@boydmanagement.com; jwilson@wilsonkibler.com;
acampbell@collierskeen.com; ccollins@furmanco.com;
fdupree@vistacm.com; barry.gruebbel@ticproperties.com;
gary.hediger@hediger.com; robert.hediger@hediger.com; SPLoftis@aol.com;
amy.myslinski@ticproperties.com; petracap@usa.net;
bob@anchorcommercial.net; Lwheely@aol.com; amy@hughescommercial.com;
helen@concordpartners.net; roxie@roxiemunn.com; barrongroup@charter.net;
wreding@vistacm.com; jwmoore329@bellsouth.net
Subject: RE: LLR UPDATE - URGENT - see attachment

FYI: This is bad medicine for our owners & strongly encourage each IREM member to e-mail Jan Simpson @ LLR, please note response I sent last week:

Jan Simpson
simpsonj@llr.sc.gov

Ms. Simpson,

Per the proposed regs that would require architectural construction supervision on all projects having stamped plans, please understand that this is not only unnecessary, it is counter productive for the public good. In representing owners & tenants for over 20 years, the redundant red tape continues to grow adding time & costs though little for the welfare & safety of the public. If the architect does their job on the front end, licensed contractors & local code officials are more than equipped to handle it from that point. Should the owner or tenant feel the need for additional representation, qualified construction management services are readily available.

If the point is to slow construction projects, render some altogether financially unfeasible and to increase the bottom line of architectural firms, then by all means please place yet another regulation on the already overburdened backs of the small business people of South Carolina.

Frank Hammond, CCIM, CPM
President / CEO / Principal
Colliers Keenan Upstate, LLC
PO Box 10825
Greenville, SC 29603
(201 E. McBee Ave / Suite 201 / 29601)
p) 864-527-5451
c) 864-270-0761

f) 864-527-5444
fhammond@collierskeen.com
www.collierskeen.com

24. Email to Melissa Jones dated 12/7/09

Melissa:

I am sorry I will not be able to attend the hearing on December 09, 2009, for I am on the Horry County Airport Advisory Board and we have a very important meeting that same day.

If you could be so kind as to present this question to the board. I have looked at all the FAQ and none have asked or answered this one.

If I as the architect in responsible charge am hired by the general contractor on his design/build team, would it not be a conflict of interest for me to provide CA as defined by the Architectural Law? How could I be a party to the construction/design team and then , in turn, perhaps be called upon to instruct the contractor to perform per CA? Would the Owner not be responsible for providing the CA architect? Or would the Design/Build team be responsible? I can foresee many different conflicting circumstances when the same Design/Build architect performs CA correctly.

Please let me know the response of the board.

Thanks,

Jon L Bourne - Architect
178 Quail Run
Conway SC 29526

25. From: Clay Wine [mailto:CWine@berenyi.com]
Sent: Friday, October 23, 2009 12:05 PM
To: Gary Wiggins
Subject: Design professional in responsible charge

Darbis Briggman asked me to contact you this morning to answer a code question. As I explained to him, the Board of Architectural Examiners is proposing a change in the regulations to require Construction Administration by an architect. According to the explanation they provide online:

Reg. 11-12

(B)(4) requires an architect to provide minimum construction administration services for all building that require the services of an architect, including

renovations to such buildings. Requires the architect to report lack of CA services to the permitting authority.

(B)(5) clarifies that any architect licensed in South Carolina may provide the CA services. CA services do not have to be provided by the sealing architect of the project.

The regulations require the architect in responsible charge to perform CA services. Then they claim that the architect in responsible charge is not necessarily the sealing architect. Their regulations also require the architect in responsible charge to seal the documents. These statements seem to be in conflict.

As for the IBC, 106.3.4.1 Design professional in responsible charge, the code seems to leave the door open: “Construction documents must be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge.”

My goal is to have CA services performed, either directly or through hired consultants, by the architect (or engineer) that sealed the drawings. In order for the design responsibility to remain intact, the construction documents must always be sealed and signed by the design professional in responsible charge. They must also be responsible for submittal review and preparation of the Statement of Special Inspections. If an alternate design professional in responsible charge is assigned, they must seal the documents. That way, any changes to be made to the documents during construction can be made by the sealing architect.

Is the design professional in responsible charge the architect (or engineer) that sealed the documents?

Clay Wine, AIA
Director of Architecture

BERENYI INCORPORATED
49 Immigration Street, Suite 201
Charleston, SC 29403

(843) 284-2000
berenyi.com

26. From: Clay Wine [mailto:CWine@berenyi.com]
Sent: Friday, November 06, 2009 10:27 AM
To: Jan Simpson
Subject: Proposed Regulation Comments

Jan,

Thanks for posting my comments online. I think that a comment board will really improve communication and involvement with the state architects. I was a little confused with the comments following my letter – are they both questions or is the text in blue a reply? This needs to be more clear.

Architects are sensitive about receiving proper credit for their work. Please post my full, unedited letter, including request for online comment posting, and my name. Thanks.

Clay Wine, AIA
Director of Architecture

BERENYI INCORPORATED
49 Immigration Street, Suite 201
Charleston, SC 29403

(843) 284-2000
berenyi.com

27. From: Layden, Mickey [mailto:MLayden@lckcs.com]
Sent: Sunday, December 06, 2009 5:56 PM
To: Layden, Mickey
Subject: FW: Proposed Changes to SC Practice Act Regarding Contract Administration by Architects

The real estate and construction community has rallied to express its opposition to the proposed changes to the Architect's license law requiring that owners retain a licensed architect to perform contract administration services for **ALL** projects designed and sealed by an architect. Below is the hearing date. It is important that as many representatives of our market appear at the hearing as possible. You may not be required to speak, but your presence is important to indicate support of those who do speak. Please try to make arrangements in your schedule to attend. Thanks!

Mickey E. Layden, CPM
President
1301 Gervais Street, Suite 522
Post Office Box 11610
Columbia, SC 29211-1610
Office (803) 401-4200

Direct (803) 401-4259
Fax (803) 252-0577

28. **From:** Davis Buchanan [mailto:bucconser@sc.rr.com]
Sent: Monday, December 07, 2009 8:42 AM
To: Jan Simpson
Cc: Mickey Layden
Subject: Proposed Changes to SC Practice Act Regarding Contract Administration by Architects

Jan,

We intend to have a representative at the hearing on Dec 9th in support of the opposition to the proposed changes described below.

Davis Buchanan
Buchanan Construction Services, Inc.
PO Box 6782
Columbia, SC 29260
Phn: 803.695.2123
Fax: 803.695.2124
bucconser@sc.rr.com

29. **From:** Layden, Mickey [mailto:MLayden@lckcs.com]
Sent: Sunday, December 06, 2009 5:56 PM
To: Layden, Mickey
Subject: FW: Proposed Changes to SC Practice Act Regarding Contract Administration by Architects

The real estate and construction community has rallied to express its opposition to the proposed changes to the Architect's license law requiring that owners retain a licensed architect to perform contract administration services for **ALL** projects designed and sealed by an architect. Below is the hearing date. It is important that as many representatives of our market appear at the hearing as possible. You may not be required to speak, but your presence is important to indicate support of those who do speak. Please try to make arrangements in your schedule to attend. Thanks!

Mickey E. Layden, CPM
President
1301 Gervais Street, Suite 522
Post Office Box 11610
Columbia, SC 29211-1610
Office (803) 401-4200
Direct (803) 401-4259
Fax (803) 252-0577

30. From: Jan Simpson [mailto:SimpsonJ@LLR.SC.GOV]
Sent: Monday, November 23, 2009 2:13 PM
To: Doss, Belinda
Subject: RE: Proposed Changes to SC Practice Act

Ms. Doss,

Please forward this to Mrs. Layden. Thank you.

Thank you for your e-mail. I have forwarded it to the members of the Board for their review.

The Board of Architecture will hold a hearing on the proposed Regulations on December 9, 2009, at 10:00 a.m., in Room 115, Kingstree Building, Synergy Office Park, Columbia, SC. (Room number subject to change.) It would be helpful if you can let us know if you plan to attend.

Directions to the office may be downloaded at
<http://www.llr.state.sc.us/AboutUs/index.asp?file=DIRECT.HTM>

Jan B. Simpson, Administrator
SC Board of Architecture
SC Board of Engineers and Surveyors
p: 803-896-4412 f: 803-896-4427
www.llronline.com/pol/architects
www.llronline.com/pol/engineers