

**PROFESSIONAL ENGINEER & LAND SURVEYOR
SECTION MEETING**

MINUTES

The Professional Engineer and Land Surveyor Sections of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 12, 2016, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Doyle B. Allen (LS)
Charles F. Dunlap (LS)
Wiley V. Johnson, III (PE)
Carolyn B. Langelotti (PE)
Andrew M. Scherzer (LA)
Christopher M. Stone (PE)
Michael Zmuda (LS)

Board staff present for all or part of the meeting were:

Kathleen (Kate) R. Nosbisch, Executive Director

Agency staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Mark Courtney, Senior Director, Regulatory & Public Affairs
Amy Goobic, Executive Assistant

No representative was present from the Office of the Attorney General.

Mr. Dunlap, Chair, called the meeting to order at 9:34 a.m.

Call to Order

Mr. Dunlap advised the Section members of the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Mr. Stone moved to approve the agenda as amended. Mr. Zmuda seconded the motion which was unanimously approved by members: Allen, Dunlap, Johnson, Langelotti, Scherzer, Stone and Zmuda.

**Approval of
Agenda**

Ms. Nosbisch introduced agency staff members in the audience, as well as guest, Melanie Davenport, Department of Environmental Quality (DEQ).

Public Comment Period

Mr. Jan Harris, PE, was present to address the Sections. Mr. Harris requested clarification on the inclusion of business name, address and professional's seal on certain types of documents, such as performance specifications. Mr. Harris stated that his engineering company receives documents that are sealed by a licensed Virginia professional, however the 'consulting' company is not licensed as a business in Virginia.

Ms. Nosbisch stated that a complaint could be filed, and information regarding the proper steps to register as a business offering professional services could be included on the DPOR website, or in the newsletter. Ms. Nosbisch further commented that the APELSCIDLA Board regulatory Review Committee would be meeting soon and could review the regulations for clarification.

Mr. David Gardy, representative of the Virginia Association of Surveyors (VAS), was present to address the Sections. Mr. Gardy provided a handout outlining concerns the VAS has with certain localities limiting the of a licensed land surveyors from practicing within the regulatory scope of their license. Ms. Nosbisch informed Mr. Gardy that the subject was on the meeting agenda and would be discussed later in the meeting.

Regarding **File Number 2015-02580, Alejandro E. Fernandez**, the section the section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference. Mr. Allen recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violation of the Board's regulations: 18VAC10-20-740.E (Count 1). Mr. Stone seconded the motion which was unanimously approved by members: Allen, Dunlap, Langelotti, Scherzer, Stone and Zmuda.

File Number 2015-02580, Alejandro E. Fernandez

Ms. Nosbisch informed the section that Mr. Fernandez had no prior violations. Ms. Langelotti moved to recommend that the Board accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: no monetary penalty for the violation contained in Count 1. Mr. Stone seconded the motion which was approved by member: Langelotti. Members: Allen, Dunlap, Langelotti, Scherzer, Stone and Zmuda were opposed. Discussion was held on amending the sanctions to include a monetary penalty and/or coursework. Mr. Allen moved to impose a \$300 fine and three hours of coursework in ethics for the violation contained in Count 1. The coursework may either be in a classroom or online. Mr. Stone seconded the motion which was unanimously approved by members: Allen, Dunlap, Langelotti, Scherzer, Stone and Zmuda. As the presiding Board member, Mr. Johnson was not present during the presentation, discussion or vote.

Ms. Melanie Davenport, head of the DEQ Water Division, was present to address the Sections regarding the DEQ Virginia Runoff Reduction Method (VRRM) spreadsheet, and the certifying statement to be included with the signing and sealing of the stormwater management record drawings. The certification statement was approved by the Board at its September 2015 meeting, and agreed to by DEQ.

DEQ VRRM Spreadsheet

Ms. Davenport stated that DEQ agreed to the certifying statement and is working to communicate the information to the Virginia Stormwater

Management Program Administrators. Ms. Langelotti thanked Ms. Davenport. Ms. Davenport stated that DEQ acquired the regulations from the Virginia Department of Conservation and Recreation in 2013 (the regulations were adopted in 2011 with an effective date of 2014). As such DEQ will be reviewing the regulations in their entirety in the next year or two years, to vet issues that may have come forth since their implementation.

Ms. Davenport further reported that the VRRM spreadsheet has been corrected and DEQ has prepared a guidance document on use of the corrected spreadsheet. Additionally, Ms. Davenport stated that there are webinars on the DEQ website regarding the VRRM spreadsheet, as well as, the information regarding the certifying statement.

Mr. Dunlap reported that the Land Surveyor Apprenticeship Committee would be meeting May 24, 12:00 p.m.

**Land Surveyor
Apprenticeship Update**

Ms. Nosbisch reported that land surveyor section members would be meeting in closed session following the section meeting to discuss the April exam results. In addition, the land surveyor members and several subject matter experts would be meeting in closed session Friday, May 13, to discuss the pool of exam questions for the Virginia state specific surveying exam.

**Land Surveyor Exam
Review Update**

Ms. Nosbisch informed the sections that the Regulatory Review Committee of the APELSCIDLA Board will meet May 24, 9:30 a.m. The committee will include board members: Bob Boynton (Architect), Andy Scherzer (Landscape Architect), Cameron Stiles (Certified Interior Designer), Bif Johnson (PE) and Mike Zmuda (LS).

**Regulatory Review
Update**

DPOR staff members Doug Schroder, Director of Adjudication, and Nick Christner, Deputy Director, Regulatory Programs and Compliance, were present to address the Sections. Mr. Schroder and Mr. Christner were requesting clarification on the Board's guidance document pertaining to 'Onsite Sewage Systems Designed by PE's and Onsite Soil Evaluators (OSE),' specifically who is allowed to characterize wastewater, and the exemptions provided for in §54.1-402 of the *Code of Virginia*.

**Wastewater
Characterization
Discussion**

Discussion was held on the exemptions, as provided by the General Assembly, for OSEs. Mr. Schroder stated that the Guidance Document should include clarification on who may perform wastewater characterization, with regards to the exemptions. The Sections also discussed the term "accessory use."

Mr. Schroder suggested staff draft language to add to the guidance document for review and approval at the full board meeting June 9, 2016. The Sections agreed by consensus. Ms. Nosbisch stated the draft guidance document will be provided for review prior to the full board meeting.

The section members recessed from 11:10 a.m. until 11:25 a.m.

Recess

Ms. Nosbisch reported that the April PS exam was the last paper and pencil exam, and will be transitioning to computer-based testing. The PS exam and the Virginia state specific exam will be given the second Friday of the first month of each quarter. The LSB and photogrammetric exams will be given the second Friday in April.

NCEES Update

Ms. Nosbisch noted that Ms. Langelotti and Mr. Dunlap attended the NCEES Southern Zone meeting in Nashville, May 6-9, 2016. Ms. Langelotti provided a brief report on the Zone meeting.

Ms. Langelotti reported that there will be several budget motions to be voted on at the annual meeting in Indianapolis, IN, August 24-27, 2016. Additionally, Ms. Langelotti attended the Engineering Forum at the Zone meeting and reviewed items discussed including: recommended two year renewal cycles and 15 hours of continuing education for all jurisdictions; use of the EIT designation if they are not registered, She reported that some jurisdictions are issuing fines; electronic signature requirements; and a required test on regulations each license renewal, as the regulations change over time.

Mr. Dunlap provided a brief report on the UPLG Committee, of which he is a member, and the LS Forum. Mr. Dunlap reported that discussions for the surveyors included: use of PLS, as the standard designation; and the use of drones in surveying.

Discussion was held on the Surveying Forum Summary report. Mr. Allen attended a task force meeting in January; set up to address the decline in the number of surveyors. Ms. Nosbisch stated that there was a link for the survey on the DPOR website, and that the survey closes May 15.

Mr. John Palatiello, Executive Director, Virginia Association of Surveyors (VAS), was present to address the Section. Mr. Palatiello stated that VAS is working with other organizations on the future of surveying, as college enrollment is declining. He also commented that the number of PhD's needed to teach is declining also. Discussion was held on the lack of university/college programs in the surveying field.

Mr. Allen commented that he attended the Northeast Zone meeting and chaired the Surveyor Forum. He stated that it's easy to identify the problems, finding solutions are difficult.

Mr. Palatiello informed the Sections that there is federal money for workforce development and that he has met with the National Society for Professional Surveyors (NSPS) and the Department of Labor and Industry

(DOLI), to discuss ideas to promote the profession of surveying. He is also contacting all state associations.

Discussion was held on the VGIN Orthophoto Contract Request for Proposal (RFP), previously discussed at the March 15, APELSCIDLA Board meeting. At that meeting, VITA representatives were invited to attend to discuss the RFP and the fact that it is not qualifications based, and does not contain a requirement for a licensed surveyor. VITA representatives stated that the orthographic maps were for 911 emergency responders, and there is a disclaimer on the imagery that it is not to be used for design work.

Other Business

Section members were provided a list of localities that utilize the orthographic maps. Ms. Nosbisch suggested staff draft correspondence referencing the meeting minutes and the Board's position that the RFP should require a licensed surveyor. The letter will be sent to the localities that utilize the maps.

Ms. Langelotti, Mr. Scherzer, and Mr. Stone departed the meeting at 1:14 p.m. The meeting recessed from 1:15 p.m. until 1:25p.m.

Departure of Section Members and Recess

Ms. Nosbisch provided background information for the discussion on drafting a guidance document to clarify the licensing scope of a land surveyor and land surveyor B. Ms. Nosbisch reviewed the past Board discussions with Mr. Harold Scrimgeour, LS, and the issues he had with Accomack County and stormwater management design aspects. Section members agreed the locality does not have the authority to regulate the profession.

Land Surveyor Guidance Document

Discussion was held on whether a guidance document was necessary to clarify, or perhaps drafting a letter to send to localities stating the Board's position, and reiterating the licensing authority of a land surveyor and land surveyor B. Ms. Nosbisch recommended drafting a letter, as a guidance document is meant to clarify a regulation. She further commented that the letter could be posted on the website.

Section members agreed by consensus to have staff draft a letter stating the Board's position. Ms. Nosbisch will send to the land surveyor members of the Board for review, and will have on the full board agenda June 9, for approval.

Conflict of Interest forms were completed by all members present.

Conflict of Interest Forms

There being no further business, the meeting was adjourned at 2:17 p.m.

Adjourn

Charles F. Dunlap, Chair

Jay W. DeBoer, Secretary

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