

## ARCHITECTS SECTION MEETING

### MINUTES

The Architects Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on April 29, 2004, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

John S. Clark, Jr.  
J. Everette Fauber, III  
David L. May, Jr. (arrived at 9:29 a.m.)

Staff present for all or part of the meeting were:

Mark N. Courtney, Executive Director  
Marian H. Brooks, Program Administrator  
Trisha L. Henshaw, Administrative Assistant  
Earlyne Perkins, Legal Assistant

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

Mr. Clark, Chair, called the meeting to order at 9:02 a.m.

Call to Order

Mr. Fauber moved to approve the agenda as written. Mr. Clark seconded the motion which was unanimously approved by members Clark and Fauber.

Approval of  
Agenda

**Public Comment Period** – No comments were made to the Section members.

Public Comment

The Section members discussed correspondence that was received regarding confusion among regulants of the Board as to who may prepare a Chesapeake Bay Preservation Act compliance plan. The Section members were provided with the responses agreed to by the Sections and recommended by the APELSCIDLA Board at its March 10, 2004, meeting. At that meeting, the Board requested that each of the Sections review this issue again for discussion at the June 10, 2004, meeting. After discussion, Mr. Fauber moved to recommend to the Board adoption of the following response:

Discussion of  
Chesapeake Bay  
Preservation Act  
Compliance  
Plans

"The APELSCIDLA Board has reviewed your documentation and has determined that work associated with the Chesapeake Bay

Preservation Act may involve the practice of engineering, land surveying, and landscape architecture depending on the exact nature of the work being performed. Further, review of this issue in the past has also revealed that this work may be incidental to other professional work and has determined that architects are competent to perform some of the types of calculations required by the Act. The issue of which professional is authorized to perform such work is dependent on the type of work being performed, applicable statutes, regulations and ordinances, as well as the competency of the individual practitioner.

"As in any activity involving the practices of architecture, engineering, land surveying (pursuant to § 54.1-400 so A and B land surveyors are both competent to perform such work), certified interior design, and landscape architecture, if there is a question about the specific competence of an APELSCIDLA Board regulant, then this issue should be specifically addressed at that time through inquiries and complaints to this Board.

"As to the issue of 'redesigning' by the County officials, we would obviously need to know the specifics of individual instances. It is not unusual for regulatory authorities and agencies to request revisions to plans, specifications, reports, and permit applications. However, generally speaking, the professional who has the responsibility, authority, and accountability must concur with each of these revisions."

Mr. Fauber further moved to recommend that the following be incorporated into the Board's response.

Point out § 54.1-410 of the *Code of Virginia* and indicate that if a regulant of the APELSCIDLA Board is not adhering to the required standards, or does not appear to be competent in work they have undertaken, then a complaint needs to be filed with the Board.

Mr. Clark seconded the motion which was unanimously approved by members Clark and Fauber.

The Section members discussed the upcoming National Council of Architectural Registration Boards (NCARB) Annual meeting scheduled for June 23 through 26 in Portland, Oregon. Mr. Courtney stated that Mr. Fauber, Mr. May, and himself were scheduled to attend. Mr. Fauber indicated that he had the resolutions that will be discussed at the meeting

**Discussion of**  
**NCARB Annual**  
**Meeting**

and will provide additional information during his report from the NCARB Spring Regional Meeting.

The Section members discussed information provided regarding licensure requirements for professionals who are licensed in other states, but not in Virginia, and serve as expert witnesses in court cases. This information was discussed at the APELSCIDLA Board meeting on March 10, 2004, at which time it was deferred to the Sections to discuss so that a final decision could be made at the June 10, 2004, Board meeting. The Section members agreed by consensus to take no action on this item, and they will be ready to discuss this matter at the June 10 meeting.

Discussion of  
Licensure for  
Expert  
Witnesses

Mr. Fauber provided a report from NCARB Spring Regional Meeting held April 1-3 in New York. Mr. Fauber stated that officers for the region were elected at this meeting; however, there was a tie for the position of Secretary so this matter will be discussed at the annual meeting. Mr. Fauber provided information regarding the resolutions that will be discussed at the annual meeting. The resolutions concerned various recommended changes to the bylaws and model law, as well as recommendations made by various committees.

Report from  
NCARB 2004  
Spring Regional  
Meeting

Mr. May arrived at 9:29 a.m. during Mr. Fauber's report from the NCARB Spring Regional Meeting.

Mr. May's  
Arrival

Mr. Clark transferred the Chair to Mr. May and recused himself from the room.

Transfer of  
Chair

Mark L. Treon spoke to the Section members regarding **File Number 2004-01637**. Mr. Treon indicated that at the last Section meeting, the Section members requested that the Informal Fact-Finding Conference be reconvened and he provide additional information regarding his work experience, letters of recommendation, and documentation of completion of the NCARB Intern Development Program requirements. Mr. Treon stated that he provided this information at the Informal Fact-Finding Conference and had documentation of work experience with him for the Section members to review. Mr. Treon stated that this information was provided at the Informal Fact-Finding Conference but due to its size, he was asked to take it with him after the Conference and bring it with him to the Section meeting. Mr. May and Mr. Fauber reviewed the information provided by Mr. Treon, and Mr. Treon provided information regarding his role on each of the projects.

Mark L. Treon,  
File Number  
2004-01637

Regarding **File Number 2004-01637, Mark L. Treon**, the Section members reviewed the record of the Informal Fact-Finding Conference which consisted of the application file, transcripts and exhibits, and Summaries of the Informal Fact-Finding Conferences, as well as the presentation by Mr. Treon. After review, Mr. Fauber moved to recommend that the Board accept the Summary of the Informal Fact-Finding Conference as to the facts, and reject the recommendation and deny Mr. Treon's application for licensure, because the education and Intern Development Program (IDP) requirements are not satisfied. Mr. Treon does not hold a professional degree approved by the National Architectural Accreditation Board, nor did he complete the NCARB-IDP. Mr. May seconded the motion which was unanimously approved by members: Fauber and May. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Clark was not present during the discussion or vote.

**File Number**  
**2004-01637,**  
**Mark L. Treon**

Mr. Clark nominated Mr. Fauber to be Chair of the Architects Section for the term from July 1, 2004, to June 30, 2005. Mr. May seconded the motion which was unanimously approved by members: Clark, Fauber, and May.

**Election of**  
**Chair**

The Section members discussed the upcoming elections for Chair and Vice-Chair of the APELSCIDLA Board.

Mr. Courtney provided the Section members with various memorandums and notices received by the Board office from NCARB during the last quarter. Mr. Courtney pointed out a memorandum regarding a cut-score study performed by NCARB, and a resulting delay in the release of examination scores.

**Quarterly**  
**Information**  
**from NCARB**

Mr. Courtney discussed the status of the proposed regulations that were adopted at the March Board meeting. Mr. Courtney indicated that a concern has been raised by the Department of Planning and Budget regarding a proposed change to the requirements for certification as a landscape architect, and this matter may be discussed in further detail at the June 10, 2004, Board meeting.

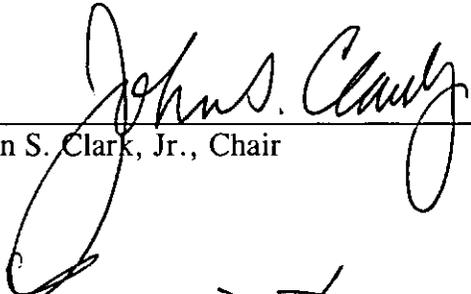
**Other Business**

Conflict of Interest forms were completed by all members present.

**Conflict of**  
**Interest Forms**

There being no further business, the meeting was adjourned at 10:50 a.m.

**Adjourn**



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John S. Clark, Jr., Chair



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Louise Fontaine Ware, Secretary

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: David L. May, Jr.
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on April 29, 2004
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_ *None* \_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_ *Architecture* \_\_\_\_\_

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

*David L. May, Jr.* \_\_\_\_\_ *4/29/04* \_\_\_\_\_  
Signature Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: J. Everette "Ebo" Fauber, III
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on April 29, 2004
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
NONE

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:  
\_\_\_\_\_

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

J. E. Fauber, III  
Signature

4-29-04  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: John S. Clark, Jr.
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on April 29, 2004
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

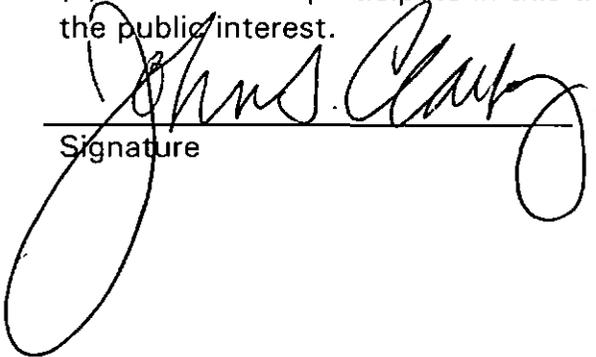
6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature

Date



4.29.04