

## 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 July 24, 2012, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

James R. Boyd  
Clinton K. Good  
Michael F. LeMay

Staff present for all or part of the meeting were:

Gordon N. Dixon, Director  
Mark N. Courtney, Deputy Director of Licensing and Regulation Division  
Kathleen R. Nosbisch, Executive Director  
Justin Garofalo, Board Administrator  
Amy Goobic, Administrative Assistant  
Kristin Clay, Legal Analyst

Steven P. Jack, Assistant Attorney General, was present at the meeting.

Mr. Boyd, Chair, called the meeting to order at 10:05 a.m.

Mr. Boyd advised the Section of the emergency evacuation procedures.

Mr. LeMay moved to approve the agenda. Mr. Good seconded the motion which was unanimously approved by members: Boyd, Good and LeMay.

Mr. Duncan Abernathy, representative of the Virginia Society of the American Institute of Architects (VSAIA), was present to address the Section. Mr. Abernathy stated that he had questions regarding discussions on value engineering and ownership of documents by the PE and the Land Surveyor sections. Mr. Abernathy asserted that they are two separate issues. Ms. Nosbisch reported that the PE and LS Sections had discussed the topic, as well as the full board at its June 12 meeting. However, the Architect Section had not discussed the topic separately. Ms. Nosbisch requested the subject be discussed under Other Business.

Mr. Stephen Faraci, counsel for Rule Joy Trammell + Rubio, LLC (RJT + R), was present to address the Section. Mr. Faraci avowed that the regulations, as stated in the IFF, exceed the Board's authority and that the recommendation contained in the IFF Summary, essentially rewrites the regulations that his client is charged with violating. Mr. Faraci provided a handout to the Section members and reviewed the regulations that RJT + R is charged with violating, as well as their disagreement against the violations.

#### **Call to Order**

#### **Emergency Evacuation Procedures**

#### **Approval of Agenda**

#### **Public Comment Period**

#### **File Number 2011- 04617, Rule Joy Trammell + Rubio, LLC**

Regarding **File Number 2011-04617, Rule Joy Trammell + Rubio, LLC**, 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.

At 10:30 a.m. Mr. LeMay made the following motion: Mr. Chairman, I move that this meeting be recessed and that the Section immediately reconvene in closed meeting for the purpose of consultation and/or briefings by staff members pertaining to examination issues within the jurisdiction of the Board as permitted by § 2.2-3711.A.11 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Stephen Jack, Gordon Dixon, Kate Nobsch, Mark Courtney and Kristin Clay.

**Closed Session to Review File Number 2011-04617, Rule Joy Trammell + Rubio, LLC**

### **CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Architect Section of the APELSCIDLA Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3712 of the *Code of Virginia* requires a certification by this [public body] that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Architect Section hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Architect Section.

### **VOTE**

AYES: 2

NAYS: 0

ABSENT DURING THE VOTE: Mr. Boyd

At 11:20 a.m. Mr. Good moved to adjourn the closed session. Mr. LeMay seconded the motion which was unanimously approved by members: Good and LeMay. Ms. Nobsch stated that, after discussion with counsel, the Architect Section members put forward a Consent Order for Rule Joy Trammell + Rubio, LLC, to be considered. RJT + R will have 14 days to

**Open Meeting**

consider the Consent Order. If the CO is not accepted, the Section recommends accepting the recommendation contained in the IFF Summary. Mr. LeMay moved to accept the CO. Mr. Good seconded the motion which was unanimously approved by members: Good and LeMay. As the presiding Board member, Mr. Boyd was not present for the discussion or vote.

Mr. Boyd nominated Mr. Good to serve as Section Chair. Mr. Good moved that nominations be closed. The Section agreed by acclamation.

**Election of Section Chair**

Mr. Good thanked Mr. Boyd for his service to the Architect section and the Board.

Discussion was held on changing the start time for Section meetings from 10:00 a.m. to 9:30 a.m., for the remaining 2012 meetings. Mr. LeMay moved to change the start time from 10:00 a.m. to 9:30 a.m. Mr. Boyd seconded the motion, which was approved by members: Boyd and LeMay. Mr. Good voted against the motion.

**Discussion of Meeting Start Time**

Ms. Nosbisch informed the Section that she was asked to co-present with Nick Serfass, NCARB Assistant Director, IDP, at the Architecture Exchange East, November 8, 2012.

**NCARB Update**

Mr. Boyd reported that he had been assigned to the NCARB Practice Education Committee.

Ms. Nosbisch reported that there are 6,971 licensed architects as of July 3, 2012. She further reported that Mr. Boyd is seeking reappointment to the Board, and that Nico DeLeón, PE Section member and Cameron Stiles, Certified Interior Designer Section member, would be rotating off the Board having served two consecutive terms. To date, no appointments have been made.

**Other Business**

Section members reviewed a handout with the minutes from the PE and LS Section meetings, and the March 20, 2012, APELSCIDLA Board meeting, regarding value engineering and document ownership. Mr. Jack clarified that, as discussed by the PE and LS Sections and the full board, a professional may review plans to make recommendations for value engineering. However, if the professional makes changes to the plans, permission would be needed from the owner of the plans. Mr. Good stated that the motion made at the March 20, 2012, APELSCIDLA Board meeting required clarification and moved to change the language of the motion to include the following underlined language: "...however any changes would need permission from the 'owner' and the changes must be completed under the direct control and supervision of an appropriately licensed professional." Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Good and LeMay.

Discussion was held on the comity application review sheet. Mr. Garofalo informed the Section of the process by which staff obtains information on NAAB accredited degrees. Mr. Garofalo confirmed with Section members that a 'professional degree' is either a bachelor's or master's of architecture, and also explained that when processing comity applications, staff considers any NAAB accredited degree to be a 'board approved' degree unless the applicable older version of the regulations states otherwise.

Discussion was also held on the 'client verification form' and the 'experience verification form.' Mr. Courtney informed the Section that the client verification form was instituted due to instances where an architect may have designed for a smaller company, and may not have worked under another architect. Mr. Boyd stated that he would prefer an applicant's experience be verified by another architect rather than a client. Mr. Jack stated that is within the discretion of the Board as to the acceptance of either form. Ms. Nosbisch informed the Section that the regulations do not favor one over the other. Section members agreed that an experience form from an employer or supervisor is preferable, and when not available a client verification form may be submitted. Staff will propose this concept as an amendment to the regulations at the next opportunity.

Ms. Nosbisch reminded the Section members of the APELSCIDLA Board workshop to be held September 14-15.

Conflict of Interest forms were completed by all members present.

**Conflict of  
Interest Forms**

There being no further business, the meeting was adjourned at 12:25 p.m.

**Adjourn**

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James R. Boyd, Chair

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Gordon N. Dixon, Secretary