

PROFESSIONAL ENGINEERS SECTION MEETING

MINUTES

The Professional Engineers Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on November 14, 2012, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

John L. Combs
Wiley V. Johnson, III
Carolyn B. Langelotti

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

Kathleen (Kate) R. Nosbisch, Executive Director
Marian Brooks, Board Administrator
Justin Garofalo, Board Administrator
Amy Goobic, Administrative Assistant

Agency staff present for all or part of the meeting:

Gordon N. Dixon, Director (Arrived 9:15 a.m.)
Kristin Clay, Legal Analyst

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

Mr. Combs, Chair, called the meeting to order at 9:05 a.m.

Call to Order

Mr. Combs reviewed the emergency evacuation procedures.

Emergency Evacuation Procedures

Mr. Johnson moved to approve the agenda as amended. Ms. Langelotti seconded the motion which was unanimously approved by members: Combs, Johnson and Langelotti.

Approval of Agenda

There was no public comment.

Public Comment Period

Ms. Nosbisch explained to the section that Mr. Smith's case was previously reviewed at the September 28, 2011, APELSCIDLA Board meeting. The Board voted to remand the case back to an IFF to obtain more information.

File Number 2011- 00683, Russell Ross Smith

Regarding **File Number 2011-00683, Russell Ross Smith**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigation, transcripts, exhibits, and the Summary of the Informal Fact-Finding Conference as well as the recommendation of the presiding board member. Mr. Johnson recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violations of the Board's regulations: 18VAC10-20-740.D (Count 1); 18VAC10-20-730.C (Count 2); 18VAC10-20-740.C (Count 3); 18VAC10-20-700.A (Count 4); and 18VAC10-20-760.B.3 (Count 5). Ms.

Langelotti seconded the motion which was unanimously approved by members: Combs, Johnson and Langelotti.

Ms. Clay informed the section that Mr. Smith had no prior violations. Mr. Johnson moved to recommend that the Board accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$500 for the violation contained in Count 1; \$2,500 for the violation contained in Count 2; \$2,500 for the violation contained in Count 3; \$2,500 for the violation contained in Count 4; \$500 for the violation contained in Count 5; and revocation of license, for a total monetary penalty of \$8,500 and revocation of license. Ms. Langelotti seconded the motion which was unanimously approved by members: Combs, Johnson and Langelotti.

Ms. Nancy McIntyre, Land Surveyor and APELSCIDLA Board member, was the presiding officer.

Section members reviewed correspondence from Mr. Chuck Dunlap, LSB, and the Virginia Department of Health (VDH) regarding the need for a PE seal and signature on surveys that include a septic field. The PE Section agreed by consensus that according to the Board's regulations, a PE seal is required. Ms. Nobsch stated that the Land Surveyor Section would be discussing the issue at their meeting, November 15, and that Mr. Dunlap would be attending the meeting. Ms. Nobsch will provide the LS Section with the PE recommendation.

**Discussion on PE Plans
on Survey Plats**

Mr. Garofalo reviewed procedures used by the licensing staff when assessing EIT and PE applications.

**Discussion on
Application Review
Process**

Mr. Dixon discussed the volume of applications that are reviewed by the PE Section. As Professional Engineers represent 70% of the APELSCIDLA Board's regulants, the PEs review many more applications than the other professions. Mr. Dixon asked Section members to consider options to streamline the process. Discussion was held on various options such as adding an additional PE seat on the Board; an advisory group with more diverse expertise to review applications, providing more depth in subject matter expertise; or to leave as is.

Mr. Johnson stated that although the PEs have a large volume of applications to review, the licensing staff does a great job organizing the application packages, which in turn makes the review process flow smoothly. Mr. Johnson agreed that the application review process could benefit from a more diverse field of experts.

Mr. Dixon informed the Section that the Real Estate Board utilizes sub-committees for various issues. He further commented that should an advisory group be implemented, members could be a pool from which future

board members could be selected, as they would be knowledgeable about Board processes and procedures. Mr. Dixon informed section members that approximately 10 years ago, a task force was created to address this issue, the task force decided not to add an additional PE member to the Board. He further stated that board member Bob Boynton, who previously served on the APELSCIDLA Board, was a member of the task force and that perhaps Mr. Boynton could provide historical background on the issue.

Mr. Combs recommended inviting Mr. Boynton to the next section meeting for input, and also suggested inviting former board member Stanley Harris, PE. Ms. Nosbisch will extend invitations to the February 6, 2013, section meeting. Mr. Combs will inform the full Board at its December 13, meeting, that the Section is considering options designed to lessen the application review workload.

The Section agreed by consensus to consider options for discussion at the February 6, 2013, section meeting.

Ms. Nosbisch reported that the Board received correspondence from the South Carolina Board of Professional Engineers and Surveyors announcing Miller L. Love's candidacy for NCEES Southern Zone Vice-President. This is the first correspondence received since the Board's transfer from the Northeast Zone to the Southern Zone.

NCEES Update

Mr. Johnson reported that the NCEES Committee on Examinations for Professional Engineers (EPE), of which he is a member, met in Atlanta in September and will be meeting again January 18-19, in Clemson, SC.

Ms. Nosbisch informed the Section that the first software engineering exam would be administered this Spring. Ms. Nosbisch acknowledged that there have been discussions with other states regarding concerns with the exam and Standard of Practice and how to validate experience. The Section agreed by consensus that, as is our standard practice, we do not license by discipline, individuals choose to sit for any of the engineering exams offered and applications would be reviewed on a case-by-case basis for related experience

Ms. Nosbisch informed the Section that former board member, Stanley Harris, PE, was recognized in the Richmond Times Dispatch for receiving the NCEES Distinguished Service Award with Special Commendation.

Other Business

Ms. Nosbisch also informed the Section that the proposed board regulations continue to be in the review stage by the Governor's office. She further explained the Governor's Reform Initiative on regulations. Governor McDonnell has asked all agencies to conduct a review of all regulations to eliminate unnecessary or burdensome regulations. The public comment period ends December 5.

Ms. Nosbisch reported that she met with representatives from Department of Housing and Community Development (DHCD), to review a building code chart in use, which lists when an architect or professional engineer seal is required. DHCD is preparing to revise their information, and have asked for input from the Board. Ms. Nosbisch stated the chart may need to be updated and will be asking for review by an architect and PE representative.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 10:30 a.m.

Adjourn

John L. Combs, Chair

Gordon N. Dixon, Secretary