

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 13, 2013, 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
Joseph (Joe) Shaver, Board Administrator
Amy Goobic, Administrative Assistant

Agency staff present for all or part of the meeting:

Gordon N. Dixon, Director
Mark N. Courtney, Senior Director, Regulatory & Public Affairs
Samantha Vrscak, Legal Analyst

Mr. Stanley C. Harris, PE and Board Member Emeritus, was present for the meeting. (arrived 9:45 a.m.)

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

Ms. Langelotti, Chair, called the meeting to order at 9:36 a.m.

Call to Order

Ms. Langelotti reviewed the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Ms. Langelotti welcomed and introduced Jerry Carter, CEO, NCEES. Mr. Carter provided a brief synopsis of his background and the reason for his visit to the Virginia Board. Section members and staff introduced themselves.

**Introduction of Jerry
Carter, CEO, NCEES**

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

**Approval of
Agenda**

Mr. William Young, LS, addressed the Section regarding the requirement for a licensed LS to sign topographic surveys. Mr. Young stated that many engineers he deals with are unaware of the requirement, and inquired as to how the Board could inform the PE community of this, as they are using unsigned, unsealed topo information. Ms. Langelotti stated that there is a Guidance Document of the topo requirements on the Board website and also on Town Hall. Ms. Nosbisch commented that the Guidance Document has

Public Comment Period

been in the newsletter, but could be included again. Further discussion was held regarding public awareness.

Mr. Lee White, LS, was present to address the Section. Mr. White stated that he was also in attendance to comment on the topographic survey requirements. He agrees that there needs to be an effort to educate the public.

Ms. Langelotti recognized and introduced Mr. Stanley Harris, PE and Board member emeritus.

Section members were provided an email from Mr. Michael Lynn, AOSE, regarding onsite sewage system design. Mr. Lynn was not present for the meeting.

Regarding **File Number 2013-02001, Robert P. Pease**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Pease. The Section concurred with the recommendation of the presiding Board member. Mr. Combs moved to recommend the Board accept the Consent Order which cites the following violations of the Board's regulations: 18VAC10-20-730.C (Count 1 – 3 violations); and 18VAC10-20-700.A (Count 2 – 2 violations). For these violations, Mr. Pease agrees to pay the following monetary penalties: \$750 for the violations contained in Count 1 (3 at \$250); \$500 for the violations contained in Count 2 (2 at \$250); and Board costs in the amount of \$150.00, for a total of \$1,400.00. Ms. Langelotti seconded the motion which was unanimously approved by members: Combs and Langelotti. As the presiding Board member, Mr. Johnson was not present for the discussion or vote.

File Number 2013-02001, Robert P. Pease

Jerry Carter, CEO, NCEES, provided a brief background on the function and responsibilities of NCEES. Mr. Carter discussed in detail the implementation of computer-based testing (CBT) for the FE and FS exams. He stated that NCEES formed a task force to look into CBT in 1998. They have been working on the transition for two years, and registration opened November 4. Mr. Carter stated that to date, 575 applicants have registered for the FE and 7 for the FS. The exam has been reduced from 8 to 6 hours, with an actual exam time of 5 hours and 20 minutes, as they reduced the content of some areas. Mr. Carter informed the Section that Pearson Vue testing centers have agreed to open 20 additional testing sites to accommodate the examinees.

NCEES Update

Discussion was held on the approval process for FE and FS applicants. Mr. Carter reviewed the three models for approval: manual approval, when a state must approve the applicant prior to exam; semi-automatic, when an applicant may register for the exam, however may need approval from the board if all of the requirements are not met; and automatic, an applicant may register and take the exam, after attesting they meet the state's requirements.

Ms. Nosbisch reported that she is working with the agency's technology and exam staffs to work through implementing the automatic model.

Jennifer Kazzie, EAGLES Project Manager, was present to address the Section. Ms. Kazzie explained that using the automatic model was more advantageous, as there would be fewer steps than the manual or semi-automatic models. Mr. Combs moved to proceed with recommending the automatic process. Mr. Johnson seconded the motion which was unanimously approved by members: Combs, Johnson and Langelotti. The recommendation will be presented at the full board meeting December 12.

Ms. Langelotti stated that she has concerns with the exam being reduced to 6 hours. Mr. Carter reported that according to the statistical information, an 8 hour exam did not improve the reliability of the results. He further stated that according to psychometric studies, the reliability of the PE exam is higher than any other profession.

Ms. Nosbisch publicly acknowledged Mr. Carter and the NCEES staff for their outstanding service correcting an issue that arose during the last administration of the paper and pencil FE exam last month.

Discussion was held on the feasibility of CBT for the state portion of the LS exam. Mr. Carter stated that the question was presented to the NCEES Survey Committee for review. NCEES has 54 jurisdictions, with most having different and/or specific needs, it would be cost prohibitive to create separate exams. States would need some commonality to proceed.

Mr. Carter discussed how PE and LS records are collected and verified. He stated that all boards accept the NCEES Council record, which helps in facilitating comity applicants and is also beneficial to those licensed in multiple states. He further commented that the program will be rewritten next year, allowing for easier electronic transmittals. Mr. Carter also reviewed changes recently implemented at NCEES including: the creation of a call center and a chat feature on the website, with CBT support staff.

Mr. Harris inquired about the recent licensing requirement change by the Wyoming Board, allowing for university engineering faculty with a PhD to obtain licensure. Discussion was held on faculty being licensed professionals. Mr. Carter commented that other states are looking into the matter, Wyoming presently stipulates that the Dean of the engineering program must be licensed. Mr. Carter further commented that NCEES is working with ABET regarding this issue.

The Section recessed from 11:05 am until 11:20: am.

Recess

Discussion was held on a trend among state boards that allows for the early taking of the PE exam. Several states allow candidates to take the exam

Discussion of PE Experience

upon graduating from an ABET accredited program and passing the FE exam. Mr. Carter stated that studies have shown a significant percentage of applicants do not take the PE exam after passing the FE exam, that decoupling the exam from the experience requirement, would encourage licensure. The candidate would still be required to obtain the necessary experience before applying for licensure. Ms. Nobsisch stated that it would take a change in the Board's regulations, and suggested revisiting at the February PE/LS Section meeting and continue to monitor what other states are doing regarding this issue.

Requirements

Section members reviewed an email received from Mr. Clarence Hutto, PE, who is with the US Army Corps of Engineers. Mr. Hutto was requesting clarification as to whether federally employed engineers and surveyors were obligated to report violations by private individuals and firms working under federal contract. Ms. Nobsisch informed the Section that there was an LS case in 2012, in which it was determined the Board had no authority over contracts on federal property or completed by federal agencies. Ms. Nobsisch reported that she discussed with Board counsel, Steven Jack, and he concurred indicating there is case law and federal law that supersede state law regarding this matter. Federal contracts have the right to require a licensed professional, but any non-compliance would be deemed as a contractual issue, not a regulatory issue.

Clarification of Federally Employed Licensed PE and LS Obligation to Report Violations

Ms. Nobsisch informed Section members that they are required to complete the online Conflict of Interest Act Training before the end of the year. The PE Section members all reported they had completed the training.

Conflict of Interest Act Training

Ms. Nobsisch reminded the Section of upcoming meeting dates: APELSCIDLA Board will meet December 12, 2013 and the next PE/LS Section meeting will be February 4, 2014.

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 11:45 a.m.

Adjourn

Carolyn B. Langelotti, Chair

Gordon N. Dixon, Secretary