

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS
AND LANDSCAPE ARCHITECTS MEETING**

MINUTES

The Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on December 10, 2014, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Architects

Robert A. Boynton
Clint Good
Christine Snetter

Professional Engineers

Wiley V. Johnson, III
Carolyn B. Langelotti
Christopher M. Stone

Land Surveyors

Charles F. Dunlap
Patrick D. Leary
Michael Zmuda

Interior Designers

Cameron Stiles
Sheila E. Wilson

Landscape Architects

Andrew M. Scherzer
A. Cabell Crowther

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

Kathleen (Kate) R. Nobsch, Executive Director
Amy Goobic, Administrative Assistant

Agency Staff present for all or part of the meeting was:

Jay W. DeBoer, Director
Mark N. Courtney, Senior Director, Regulatory & Public Affairs
Joseph Haughwout, Assistant Director, Adjudication

Jim Flaherty, Assistant Attorney General, was present from the office of the Attorney General.

Mr. Leary, Chair, called the meeting to order at 9:37 a.m.

Call to Order

Mr. Leary advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Leary welcomed and introduced new board members, Mike Zmuda, LS and Cameron Stiles, Certified Interior Designer.

**Welcome &
Introduction of New
Board Members –
Mike Zmuda, LS/PE
and Cameron Stiles,
CID**

Ms. Nosbisch introduced Marty Mooradian. Mr. Mooradian is the board liaison from the Board for Professional and Occupational Regulation, the policy board for the agency.

Welcome and Introduction of Guests

Ms. Nosbisch introduced NCARB guests, Mike Armstrong, CEO, Kathy Hillegas, Director, Council Relations and Stephen Nutt, Senior Architect and Advisor to the CEO.

Mr. Crowther moved to approve the agenda as amended. Mr. Dunlap seconded the motion which was unanimously approved by members: Boynton, Crowther, Dunlap, Good, Johnson, Langelotti, Leary, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda.

Approval of Agenda

Mr. Boynton moved to approve the minutes of the following meetings as amended:

Approval of Minutes

- August 12, 2014, Land Surveyor Exam Workshop;
- August 13, 2014, APELSCIDLA Board Meeting;
- August 13, 2014, PE, Land Surveyor and Architect Section Meeting; and
- November 19, 2014, PE and Land Surveyor Section Meeting.

Mr. Dunlap seconded the motion which was unanimously approved by members: Boynton, Crowther, Dunlap, Good, Johnson, Langelotti, Leary, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda.

There were no comments from the public.

Public Comment Period

Mr. Leary read the following resolutions from the APELSCIDLA Board to former board members Lorri Finn, Certified Interior Designer and Nancy McIntyre, LS:

Presentation of Resolutions – Lorri Finn and Nancy McIntyre

RESOLUTION TO
Lorri B. Finn

WHEREAS, **Lorri B. Finn** did faithfully and diligently serve as a member of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 2006 to 2014;

WHEREAS, **Lorri B. Finn** did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Lorri B. Finn** did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects this tenth day of December, 2014, that **Lorri B. Finn** be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

RESOLUTION TO
Nancy E. McIntyre

WHEREAS, **Nancy E. McIntyre** did faithfully and diligently serve as a member of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 2005 to 2014;

WHEREAS, **Nancy E. McIntyre** did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Nancy E. McIntyre** did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects this tenth day of December, 2014, that **Nancy E. McIntyre** be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Ms. Nobsch thanked Ms. Finn and Ms. McIntyre for their service to the Board.

Regarding **File Number 2014-02199, George L. Nyfeler III**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Section's recommendation. Ms. Langelotti moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violation of the Board's regulations: 18VAC10-20-370.D.2.b (Count 1). Mr. Boynton seconded the motion which was unanimously approved by members: Boynton, Crowther, Dunlap, Good, Johnson, Langelotti, Leary, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda.

File Number 2014-02199, George L. Nyfeler III

Ms. Nosbisch indicated that there have been no prior disciplinary actions against Mr. Nyfeler. Ms. Nosbisch further offered a staff recommended amendment to the order, to include a probationary period until the required continuing education coursework is complete. Mr. Crowther moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions as amended and impose the following: \$100.00 for the violation contained in Count 1; and four (4) classroom hours of continuing education pertaining to boundary survey regulations and/or other equivalent course approved by the Board. Mr. Nyfeler's license shall be placed on probation until he provides evidence acceptable to the Board that he has successfully completed the coursework. Mr. Boynton seconded the motion which was unanimously approved by members: Boynton, Crowther, Dunlap, Good, Johnson, Langelotti, Leary, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda. Former Board member Nancy McIntyre, was the presiding Board member.

Regarding **File Number 2014-03581, Adam P. Schmeing**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference and the presiding Board member's recommendation. Mr. Dunlap moved to accept the recommendation of the presiding Board member and deny Mr. Schmeing's application for licensure as a land surveyor by comity. Ms. Stiles seconded the motion which was unanimously approved by members: Boynton, Crowther, Dunlap, Good, Johnson, Langelotti, Leary, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda. Former Board member Nancy McIntyre, was the presiding Board member.

File Number 2014-03581, Adam P. Schmeing

Regarding **File Number 2014-02924, Johnathan C. Powell**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Powell. Mr. Crowther moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-750.C (Count 1). For this violation, Mr. Powell agrees to pay \$150 for the violation contained in Count 1, and \$150 in board costs, for a total monetary penalty of \$300. Mr. Boynton seconded the motion which was unanimously approved by members: Boynton, Crowther, Dunlap, Good, Langelotti, Leary, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda. As the presiding Board member, Mr. Johnson was not present for the discussion or vote.

File Number 2014-02924, Johnathan C. Powell

Regarding **File Number 2014-03845, John P. Whittle**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Nosbisch presented the Board members with an amended recommendation, as Mr. Whittle is applying for reinstatement of his license and the recommendation did not specifically state such. Mr. Scherzer moved to accept the Summary of the Informal Fact-Finding Conference and recommendation as amended. Mr. Dunlap seconded the motion which was unanimously approved by members: Boynton, Crowther, Dunlap, Good, Langelotti, Leary, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda. As the presiding Board member, Mr. Johnson was not present for the discussion or vote.

File Number 2014-03845, John P. Whittle

Regarding **File Number 2015-01040, William C. Worsham**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Nosbisch presented the Board members with an amended recommendation, as Mr. Worsham is applying for renewal of his license and the recommendation did not specifically state such. Mr. Dunlap moved to accept the Summary of the Informal Fact-Finding Conference and recommendation as amended. Mr. Crowther seconded the motion which was unanimously approved by members: Boynton, Crowther, Dunlap, Good, Langelotti, Leary, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda. As the presiding Board member, Mr. Johnson was not present for the discussion or vote.

File Number 2015-01040, William C. Worsham

After reviewing the application and Agreement for Registration, Mr. Crowther moved to accept the Agreement for Registration as seen and agreed to by Willbros Engineers, LLC. Ms. Snetter seconded the motion which was unanimously approved by members: Boynton, Crowther, Dunlap, Good, Johnson, Langelotti, Leary, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda.

Business Agreement 2015-3, Willbros Engineers, LLC.

After reviewing the application and Agreement for Registration, Ms. Langelotti moved to accept the Agreement for Registration as seen and agreed to by Haizlip Studio, PLLC. Mr. Dunlap seconded the motion which was unanimously approved by members: Boynton, Crowther, Dunlap, Good, Johnson, Langelotti, Leary, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda.

Business Agreement 2015-04, Haizlip Studio, PLLC

After reviewing the application and Agreement for Registration, Ms. Langelotti moved to accept the Agreement for Registration as seen and agreed to by ATC Tower Services, LLC. Ms. Stiles seconded the motion which was unanimously approved by members: Boynton, Crowther, Dunlap, Good, Johnson, Langelotti, Leary, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda.

Business Agreement 2015-05, ATC Tower Services, LLC

The Board recessed from 10:04 a.m. until 10:19 a.m. to review additional information pertaining to file number 2014-02472, Christopher I. Gustard.

Recess

Ms. Nobsch read correspondence from Mr. Gustard as he was unable to be in attendance.

File Number 2014-02472, Christopher I. Gustard

Regarding **File Number 2014-02472, Christopher I. Gustard**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference and the presiding officer's recommendation. Mr. Johnson moved to reject the recommendation of the presiding officer and deny Mr. Gustard's application for licensure as a landscape architect by comity, as he is not currently licensed in another jurisdiction. Mr. Boynton seconded the motion which was unanimously approved by members: Boynton, Crowther, Dunlap, Good, Johnson, Langelotti, Leary, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda. Doug Schroder, Director of Adjudication, was the presiding officer.

Board members were provided a comprehensive report of enforcement activity since the last board meeting for informational purposes.

Review of Compliance & Investigations Activity

Board members were provided financial statements for informational purposes.

Review of Board Financial Statements

Board members reviewed draft correspondence to the Department of Environmental Quality, regarding a new stormwater management regulation requiring PEs to sign and seal record drawings. Mr. Johnson provided background information from the PE Section regarding the letter, as the requirement is in direct conflict with the Board's regulations. The Board agreed to the letter by consensus.

Review of Draft Correspondence to DEQ

Ms. Nobsch informed the Board that the Guidance Document pertaining to Onsite Sewage Systems Designed by PE's and Onsite Soil Evaluators was reviewed by the PE Section at their meeting November 19, the Section agreed no changes were necessary. Mr. Johnson moved to keep the guidance document as written. Mr. Boynton seconded the motion which was unanimously approved by members: Boynton, Crowther, Dunlap, Good, Johnson, Langelotti, Leary, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda.

Guidance Document Update

Ms. Nobsch provided a brief regulatory update, informing the Board that the regulation package is still on process, there has been no recent action.

Regulatory Update

**NCEES, NCARB,
CLARB & CIDQ
Updates**

Ms. Nosbisch reported that she, Ms. Snetter, Mr. Dunlap and Mr. Johnson attended the NCEES Annual meeting held in Seattle, WA, August 19-24. Mr. Johnson commented that a topic of discussion was the reversal of the BS + 30 contained in Model Law. Mr. Dunlap stated that as a first time attendee he found it very educational. Ms. Snetter commented that it was informative and interesting to see how another profession's annual meeting compared with NCARB's Annual meeting.

Ms. Nosbisch informed the Board that NCEES CEO, Jerry Carter's wife passed away recently.

Ms. Nosbisch reported that the PE and LS exam vendor PCS, was terminating their contract. NCEES owns the exams and will be administering the April exams. Ms. Nosbisch thanked Mr. DeBoer for his efforts in getting the exam administration issue resolved expeditiously.

Ms. Wilson reported on the CIDQ Annual meeting she attended in Albuquerque, NM, November 13-16. Ms. Wilson informed the Board that topics of discussion at the meeting included: QLink, a web based system for information exchange; new website; changes to practicum questions on exam in preparation for switch to computer-based testing in 2017.

Ms. Nosbisch stated she, Mr. Scherzer and Mr. Crowther hosted and attended the CLARB Annual meeting held in Reston, September 23-27. Mr. Scherzer commented that there were good discussions on the changes of the profession and keeping the exam pertinent. Mr. Scherzer also congratulated Ms. Nosbisch on receiving the Presidential Recognition Award from CLARB.

Mr. Crowther commented that it was interesting to get perspective from other boards during the annual meeting.

Mike Armstrong, NCARB, CEO, provided an update for the Board. Mr. Armstrong reported that there will be a joint meeting with himself, Jerry Carter, NCEES, CEO and Joel Albizo, CLARB, CEO in January. Mr. Armstrong discussed the overhaul and streamlining of IDP, and upcoming changes to the ARE. He stated there is much discussion regarding how to help professionals become licensed in less time. Mr. Armstrong reported that NCARB has talked with schools about developing a curriculum that would include education, internship and exam at the same time. He stated that the conversation is just beginning; however licensure is taking too long with unnecessary impediments.

Mr. Armstrong reported that the NCARB Board of Directors recently discussed changes to the BEA and the BEFA, stating that one change would not allow receipt of an NCARB certificate with only a high school diploma. He also discussed a survey amongst state boards regarding sharing data to develop trends, historical information, etc. Mr. Armstrong also reported on initiatives by NCARB for tracking legislation across the country and

elevating their customer service.

Ms. Nosbisch reported that the Board's newsletter would be published soon and reminded Board members to complete their Financial Disclosure Statements, as they are to be submitted by December 15.

Other Business

Conflict of Interest forms were completed by all board members present.

**Conflict of Interest
Forms**

The meeting was adjourned at 1:05 p.m.

Adjourn

Patrick D. Leary, Chair

Jay W. DeBoer, Secretary

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