

**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 September 15, 2015, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

**Architects**

Robert A. Boynton  
R. Corey Clayborne  
Christine Snetter

**Professional Engineers**

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

**Land Surveyors**

Doyle B. Allen  
Charles F. Dunlap  
Michael Zmuda

**Interior Designers**

Cameron Stiles  
Sheila 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  
Marian Brooks, Board Administrator  
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

Elizabeth Peay, Assistant Attorney General, was present from the office of the Attorney General.

Mr. Boynton, called the meeting to order at 9:36 a.m.

**Call to Order**

Mr. Boynton advised the Board of the emergency evacuation procedures and informed Board members and guests there would be a fire drill at 10:00 a.m.

**Emergency  
Evacuation  
Procedures**

Mr. Boynton introduced and welcomed new Board member Corey Clayborne, Architect. Ms. Nobsch congratulated Mr. Allen and Mr. Crowther on their reappointment to the Board. Ms. Nobsch introduced audience member, Zachary Canody, PE. Mr. Canody was selected to serve on the first NCEES Emerging Engineers and Surveyors Group. Ms. Nobsch informed the Board that there were 600 applicants for the group, with 12 PE's and LS's selected to participate.

**Welcome &  
Introduction of New  
Board Member**

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

**Approval of Agenda**

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

**Approval of Minutes**

- June 15, 2015, APELSCIDLA Board Meeting;
- June 15, 2015, Architects, Landscape Architects & Certified Interior Designers Section;
- July 9, 2015, Storm Water Management Committee;
- August 12, 2015, Professional Engineers and Land Surveyors Section Meeting; and
- August 12, 2015, Land Surveyor Apprenticeship Program Committee.

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

There was no public comment.

**Public Comment  
Period**

Regarding **File Number 2015-01429, Rickert C. Henriksen**, 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 and the presiding Board member's recommendation. Mr. Scherzer moved to accept the recommendation of the presiding Board member and take no further action against Mr. Henriksen's license. Mr. Zmuda seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Langelotti, 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-  
01429, Rickert C.  
Henriksen**

Regarding **File Number 2015-02981, Paul B. Tubach, Jr.**, 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 and the presiding Board member's recommendation. Ms. Snetter moved to accept the recommendation of the presiding Board member and approve Mr. Tubach's application to renew his landscape architect license. Mr. Zmuda seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Langelotti, 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-  
02981, Paul B.  
Tubach, Jr.**

Regarding **File Number 2015-02923, Michael Joseph Smith**, 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 and the presiding Board member's recommendation. Mr. Dunlap moved to accept the recommendation of the presiding Board member and approve Mr. Smith's application to reinstate his professional engineer license. Mr. Allen seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Scherzer, Snetter, Stiles, Wilson and Zmuda. As the presiding Board member, Mr. Stone was not present for the discussion or vote.

**File Number 2015-02923, Michael Joseph Smith**

Regarding **File Number 2015-02942, Michael Joseph Smith**, Board 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. Johnson recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violations of the Board's regulations: 18VAC10-20-750.B (Count 1-two violations); and 18VAC10-20-750.C (Count 2). Ms. Snetter seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Scherzer, Snetter, Stiles, Wilson and Zmuda.

**File Number 2015-02942, Michael Joseph Smith**

Ms. Nosbisch informed the Board 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: no monetary penalty for the violations contained in Count 1; and \$150 for the violation contained in Count 2. Mr. Dunlap seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Scherzer, Snetter, Stiles, Wilson and Zmuda. As the presiding Board member, Mr. Stone was not present for the discussion or vote.

Mr. Boynton was recused from the meeting, as he was the presiding Board member for File Number 2015-02924 and File Number 2015-02941. Mr. Crowther assumed the position of Chair.

**Transfer of Chair**

Regarding **File Number 2015-02924, Michael Patrick Haynes**, 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 and the presiding Board member's recommendation. Mr. Scherzer moved to accept the recommendation of the presiding Board member and approve Mr. Haynes's application to renew his architect license. Mr. Allen seconded the motion which was unanimously approved by members: Allen, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda. As the presiding Board member, Mr. Boynton was not present for

**File Number 2015-02924, Michael Patrick Haynes**

the discussion or vote.

Regarding **File Number 2015-02941, Michael Patrick Haynes**, Board 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. Ms. Snetter recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violations of the Board's regulations: 18VAC10-20-750.B (Count 1); and 18VAC10-20-750.C (Count 2). Mr. Scherzer seconded the motion which was unanimously approved by members: Allen, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda.

**File Number 2015-02941, Michael Patrick Haynes**

Ms. Nosbisch informed the Board that Mr. Haynes had no prior violations. Mr. Scherzer moved to recommend that the Board accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: no monetary penalty for the violation contained in Count 1; and \$150 for the violation contained in Count 2. Mr. Dunlap seconded the motion which was unanimously approved by members: Allen, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda. As the presiding Board member, Mr. Boynton was not present for the discussion or vote.

Mr. Boynton resumed the position of Chair.

**Transfer of Chair**

After reviewing the application and Agreement for Registration, Mr. Johnson moved to accept the Agreement for Registration as seen and agreed to by Greeley & Hansen, LLC. Mr. Crowther seconded the motion which was approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda.

**Business Agreement 2016-01, Greeley & Hansen, LLC**

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

**Business Agreement 2016-02, Carlson Consulting Engineers, Inc.**

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

**Business Agreement 2016-03, Muermann Engineering, LLC**

The Board members, staff and audience participated in a building wide fire drill from 10:00 a.m. until 10:27 a.m.

**Fire Drill**

After reviewing the application and Agreement for Registration, Mr. Johnson moved to accept the Agreement for Registration as seen and agreed to by NOVA Engineering & Environmental, LLC. Ms. Langelotti seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda.

**Business Agreement  
2016-04, NOVA  
Engineering &  
Environmental, LLC**

After reviewing the application and Agreement for Registration, Mr. Scherzer moved to accept the Agreement for Registration as seen and agreed to by United Consulting Group. Ms. Stiles seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda.

**Business Agreement  
2016-05, United  
Consulting Group**

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**

Ms. Nobsch informed the Board that Mr. Good was not able to attend the meeting due to a scheduling conflict and that he sends his regards to the Board. Mr. Boynton read the following resolution for Mr. Good:

**Resolution for Clint  
Good**

RESOLUTION TO

**Clint Good**

WHEREAS, Clint Good 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 2011 to 2015;

WHEREAS, Clint Good did devote generously of his time, talent and leadership to the Board;

WHEREAS, Clint Good 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 fifteenth day of September, 2015, that Clint Good be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

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

Ms. Nosbisch provided a brief update on File Number 2014-02472, Christopher I. Gustard. Ms. Nosbisch stated that the case, which was remanded back to an Informal Fact-Finding Conference, may be on the December agenda.

**Update on File  
Number 2014-02472,  
Christopher I.  
Gustard**

Board members reviewed the following draft certification statement language proposed to the Department of Environmental Quality (DEQ):

**Storm Water  
Management  
Committee Update**

*Stormwater Management Facilities Certification*

*Pursuant to 9VAC25-870-55, I hereby certify that to the best of my knowledge and belief, the stormwater management facilities shown on these record drawings, have been constructed in accordance with the approved plans and specifications.*

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Virginia License*

\_\_\_\_\_  
*Date*

*“Certify” means to state or declare a professional opinion based on sufficient and appropriate onsite inspections, material tests, as-built survey data, and information provided by other professionals and the contractor, conducted during or after construction.*

The certification statement was drafted by the Storm Water Management Committee and approved at the PE/LS Section meeting, August 12, but needed approval by the full board. Ms. Nosbisch reported that she received correspondence from Drew Hammond, DEQ, stating that the construction record drawing certification language discussed at the PE/LS Section meeting August 12, was acceptable to DEQ. DEQ will be posting the provided certification language on its Construction General Permit webpage and will be notifying all local Virginia Stormwater Management Program (VSMP) authorities about its use with regard to Section 55.D (Construction Record Drawings) of the VSMP regulations.

Ms. Nobsch thanked the Committee for their work on the certification statement. Mr. Stone moved to approve the certification language. Mr. Allen seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda.

Board members reviewed the draft guidance document on topographic surveys, which incorporated additional language regarding orthographic surveys and geospatial data into the previous guidance document dated June 30, 2011. Ms. Nobsch informed the Board that the draft had been reviewed and approved at the PE/LS Section meeting August 12, 2015. Discussion was held on including the original date and the revision date on the final document posted on the Town Hall website, as this will replace the current version. Mr. Dunlap moved to approve the guidance document with the amended revision date. Ms. Langelotti seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Scherzer, Snetter, Stiles, Stone, Wilson and Zmuda.

**Draft Guidance Document**

Mr. Dunlap provided a brief update on the Land Surveyor Apprenticeship Committee. Mr. Dunlap stated that the Committee made progress in its review of the previous apprenticeship program, and that the committee would be meeting again following the full board meeting to continue discussion and revisions.

**Land Surveyor Apprenticeship Committee Update**

Ms. Nobsch provided a brief regulatory update, informing the Board that the regulation package is at the Governor's office for review.

**Regulatory Update**

Ms. Nobsch reported that the NCEES Annual meeting was held in Williamsburg, August 19-22, and all members of the PE and LS Sections were able to attend. Ms. Nobsch thanked Mr. DeBoer for his efforts in making it possible for all to attend. Mr. Allen and Mr. Dunlap both expressed gratitude for the staff and agency, and their hard work on the annual meeting.

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

Ms. Nobsch informed the Board that the George Mason University (GMU) Sid and Reva Dewberry Department of Civil, Environmental, and Infrastructure Engineering, received a \$7,500 NCEES Engineering award. Mr. Zmuda will represent the Board at the awards ceremony October 8, and will be presenting the award to the department at GMU. Ms. Nobsch also reported that Mr. Dunlap would be observing NCEES exams October 30 and 31.

Ms. Nobsch reported that an attorney from the North Carolina Dental Board vs, Federal Trade Commission case and Supreme Court decision, held a seminar at the NCEES Annual meeting. Ms. Peay stated that the Virginia Attorney General's committee, formed to review the issues surrounding the North Carolina case, has met and that she will provide an update at the

December APELSCIDLA full board meeting.

Ms. Nosbisch stated that September 16 is the lock down date for the October NCEES PE and LS exams, and thanked the PE and LS Section members for reviewing the applications.

Ms. Nosbisch reported that the CLARB Annual meeting was being held in New Orleans, LA, September 16-19, and that Mr. Crowther would be attending. She further reported on CIDQ, stating that the Certified Interior Designer Section would be voting on the Board of Directors at their Section meeting following the full Board meeting.

Ms. Nosbisch provided background information on Mr. Harold Scrimgeour's reason for attending the meeting, as well as pertinent discussions from the August 12, PE/LS Section meeting. Mr. Scrimgeour is a licensed land surveyor and has requested clarification from the Board regarding the difference between a land surveyor and a land surveyor B, with regards to certain design elements of storm water management facilities. At the August 12, PE/LS Section meeting, Section members requested Mr. Scrimgeour provide plans, as an example, for the Board to review.

**Other Business**

Discussion was held on the type of design work a land surveyor versus a land surveyor B, may perform. Mr. Allen stated that the size of the project has no bearing, but the design elements that differentiate. Mr. Allen further commented that in many instances a design relies on information from other professions, but as long as the data is appropriately sealed, it may be incorporated in a design by a land surveyor. Board members agreed that water and sewer systems dealing with hydraulics would require a land surveyor B.

Board members agreed to recess to allow the LS Section time to review Mr. Scrimgeour's plans.

The Board recessed from 11:18 a.m. until 11:35 a.m. for the Land Surveyor Section members to review the plans presented by Mr. Scrimgeour.

**Recess**

Mr. Boynton inquired as to whether the LS section should meet to determine the Board's position. Mr. Allen stated they should have a draft of their position for review at the November 18, PE/LS Section meeting. Ms. Nosbisch stated that she will schedule a meeting in October, the PE/LS Sections would review the recommendation at the November 18 meeting, for discussion and approval at the December full board meeting.

**Other Business**  
**Continued**

Ms. Nosbisch informed the Board members of a change in the Administrative Process Act, regarding Informal Fact-Finding (IFF) conferences. She stated that when an IFF notice is sent to regulant, it will include the name of who will be the presiding officer. The regulant may choose to have another presiding officer if they feel there is a conflict. Ms. Nosbisch also informed

the Board that if a licensee should try and contact them directly, they should refer them back to her.

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

**Conflict of Interest  
Forms**

The meeting was adjourned at 11:40 a.m.

**Adjourn**

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Robert A. Boynton, Chair

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Jay W. DeBoer, Secretary

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