

**REGULATORY REVIEW COMMITTEE OF THE APELSCIDLA BOARD
MEETING MINUTES**

The Regulatory Review Committee of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 24, 2016, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Doyle B. Allen (arrived 11:14 a.m.)
Robert A. Boynton
Charles F. Dunlap
Wiley V. Johnson III
Andrew Scherzer
Cameron Stiles
Mike Zmuda

Staff present for all or part of the meeting were:

Kathleen R. Nosbisch, Executive Director

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

Mark N. Courtney, Senior Director, Regulatory & Public Affairs
Amy Goobic, Executive Assistant

There was no representative from the Attorney General's office present.

Mr. Boynton, Chair, called the meeting to order at 9:40 a.m.

Call to Order

Mr. Boynton reviewed the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Ms. Nosbisch asked that a review of proposed changes to the guidance document pertaining to onsite sewage systems, be added to the agenda under 'other business.' Mr. Johnson moved to approve the agenda as amended. Mr. Zmuda seconded the motion which was unanimously approved by members: Boynton, Dunlap, Johnson, Scherzer, Stiles and Zmuda.

**Approval of
Agenda**

There were no public comments.

**Public Comment
Period**

Ms. Nosbisch provided background information regarding the regulatory review process, stating that the regulations and public participation guidelines must undergo a periodic review every four years. The review is to ensure the regulations are supported by statutory authority; determine that the regulations are necessary for the protection of the health, safety and welfare of the public; are clearly written and easily understood; and ensure the economic impact on small business is minimized as much as possible. Committee members were provided copies of the new regulations effective January 1, 2016, and the regulations just prior, to note changes that were

Review Regulations

made. The Committee began by reviewing the definitions in Part I. Discussion was held on ‘direct control and personal supervision’ and any clarification that may need to be added to the definition. Committee members discussed that fact that changes in technology enable professionals to work remotely or oversee projects via the computer or smartphone. Ms. Nosbisch suggested reviewing model law and inquiring how other jurisdictions define ‘direct control and personal supervision,’ and whether changes in technology are addressed. The Committee agreed by consensus to revisit the definition.

Committee members reviewed and discussed the definition for ‘good moral character’ with regards to past criminal convictions. Mr. Courtney suggested the Committee review §54.1-204 of the *Code of Virginia*, which contains nine points to consider when determining whether a criminal conviction directly relates to the license of a profession.

The Committee recessed from 11:00 a.m. until 11:14 a.m. Mr. Allen arrived at 11:14 a.m.

Recess and Arrival of Mr. Allen

Committee members discussed clarifying definitions by using consistent language throughout.

Review Regulations Continued

Ms. Nosbisch suggested the Committee meet again following the June 9, full Board meeting. The Committee agreed by consensus.

Ms. Nosbisch provided a copy of the guidance document pertaining to onsite sewage systems designed by PE’s and onsite soil evaluators. The document contained recommended changes for clarification, as discussed at the May 12, 2016, PE and Land Surveyor Sections meeting. Ms. Nosbisch requested Committee members provide feedback prior to the June 9, full board meeting. The guidance document will be on the June 9, full board agenda for approval.

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 12:04 p.m.

Adjourn

Robert A. Boynton, Chair

Jay W. DeBoer, Secretary