

# 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 February 4, 2003, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present

Richard N Davenport  
Stanley C Harris  
Ronald G Helton

Staff present for all or part of the meeting were

Louise Fontaine Ware, Director  
Mark N Courtney, Assistant Director  
Marian H Brooks, Regulatory Board Administrator  
Trisha L Henshaw, Administrative Assistant  
Susan Garbini, Legal Assistant

No representative from the Office of the Attorney General was present

Finding a quorum of the Section present, Mr Davenport, Chair, called the meeting to order at 9 06 a m

Call to Order

Mr Harris moved to approve the agenda as written Mr Helton seconded the motion which was unanimously approved by members Davenport, Harris, and Helton

Approval of  
Agenda

Mr Helton moved to approve the minutes from the November 6, 2002, Section meeting as written Mr Harris seconded the motion which was unanimously approved by members Davenport, Harris, and Helton

Approval of  
Minutes

**Public Comment Period** – No comments were made to the Section members

Public Comment

Robert P Chandler spoke to the Section members regarding File Number 2003-01293 Mr Chandler asked that the members recommend acceptance of the summary and recommendation of the presiding Board member and recommend approval of his application for a professional engineer license by oral examination As the presiding Board member at

Robert P.  
Chandler, File  
Number 2003-  
01293

the Informal Fact-Finding Conference, Mr Davenport was not present for the presentation

No other respondent, counsel for respondent or other representative, or participant without an appointment was present to speak before the Section

In reference to File Number 2003-01293, Robert P. Chandler, the Section members reviewed the record from the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and summary and recommendation of the presiding Board member, as well as the presentation given by Mr Chandler Mr Harris moved to that the Board accept the summary and recommendation of the presiding Board member and approve Mr Chandler's application for a professional engineer license by oral examination based upon information presented at the Informal Fact-Finding Conference along with a spreadsheet outlining Mr Chandler's graduate and undergraduate course work Mr Helton seconded the motion which was unanimously approved by members Harris and Helton As the presiding Board member at the Informal Fact-Finding Conference, Mr Davenport was not present during the discussion or vote

The Board members discussed a memorandum from Mr Courtney regarding questions that have arisen pertaining to regulants who have received permission to modify drawings of another professional and whether the regulants who are making the modifications are to take responsibility for the entire drawing or only the modified portion of the drawing Mr Courtney stated that this issue was originally discussed at the APELSCIDLA Board meeting on December 11, 2002, however, the Board asked that each Section review the letter so that a consensus could be reached for the APELSCIDLA Board meeting scheduled for March 12, 2003 The Section members agreed that it would be impossible to address every scenario in one brief statement or regulation, but feel that the questions raised must be addressed so that there can be some consistency in dealing with issues related to modified drawings The Board members agreed by consensus that issues related to responsibility on modified drawings should be dealt with on a case-by-case basis, with factors under consideration being copyright protections and liability

The Section members discussed an issue that has arisen regarding whether applicants who are from a non-English speaking country or a country wherein the primary language is other than English, who have not graduated from a college or university in the United States, and are applying with an NCEES record must take the Test of Spoken English and

Call for  
Respondent

File Number  
2003-01293,  
Robert P.  
Chandler

Discuss  
Questions  
Regarding  
Regulation 18  
VAC 10-20-  
740.D and E

Discussion of  
Foreign  
Applicants

Test of English as a Foreign Language (TSE/TOEFL) examinations  
After discussion, the Section members agreed by consensus that, in accordance with the Board's regulations, applicants from non-English speaking countries or countries wherein the primary language is other than English, who have not graduated from a college or university in the United States, must submit score reports for the TSE/TOEFL examinations and have their foreign degree evaluated. This requirement applies to all applicants, regardless of whether or not they hold an NCEES record.

The Section members discussed undergraduate degrees that have been reviewed by the Accreditation Board for Engineering Technology (ABET) and have been found to be substantially equivalent to an ABET-approved degree. After discussion, the Section members agreed by consensus that degrees found to be substantially equivalent to an ABET-approved degree would be considered under the same requirements as those for an ABET-approved degree.

Discussion of Substantially Equivalent ABET Degrees

The Section members considered whether or not transcripts from education programs approved pursuant to the Washington Accord need to be authenticated. The Washington Accord is a multinational agreement signed in 1989 by accreditation bodies representing Australia, Canada, Hong Kong, Ireland, New Zealand, South Africa, United Kingdom, and the United States that recognizes the substantial equivalency of accreditation systems of organizations holding signatory status, and the engineering education programs accredited by them. After discussion, the Section members agreed by consensus that these programs will continue to be reviewed under the same requirements as those for applicants holding an ABET-approved degree, however, the applicant holding a degree approved pursuant to the Washington Accord would need to have the degree information authenticated.

Discussion of Washington Accord Degrees

The Section members reviewed a form prepared by Department staff entitled "Course Requirements for Engineering Technology Programs." This form would be required by individuals applying under 18 VAC 10-20-210.4 of the Board's regulations so that they could provide documentation of their academic course work in order for a determination can be made as to whether it meets the requirements for ABET accreditation for the engineering technology curricula. The Section members agreed by consensus that this form is acceptable for use by individuals applying under 18 VAC 10-20-190.5 and 18 VAC 10-20-210.4 of the Board's regulations.

Review Form Entitled "Course Requirements for Engineering Technology Programs"

The Section members discussed whether individuals applying pursuant to 18 VAC 10-20-190.1 of the Board's regulations who are within 6 months

Discussion of Graduate

of completion of graduate degree requirements need to provide verification of their undergraduate degree After discussion, the Section members agreed by consensus that, in accordance with the Board's regulations, such a candidate would not need to provide verification of the undergraduate degree until such time as the individual applies for the Principles and Practice of Engineering examination The Section members agreed by consensus that they would consider this issue further during the review of the draft regulations prepared by the Regulatory Review Committee

Degree  
Candidates  
Applying Under  
18 VAC 10-20-  
190.1

The Section members also discussed a letter from Mr Abernathy of the VSAIA regarding businesses performing non-certified services, as well as a draft response to Mr Abernathy's letter Mr Courtney stated that this issue was originally discussed at the APELSCIDLA Board meeting on December 11, 2002, however, the Board asked that each Section review the letters so that a consensus could be reached for the APELSCIDLA Board meeting scheduled for March 12, 2003 By consensus, the Section members agreed with the contents of the letter after the removal of the two sentences referring to incidental work

Letter  
Regarding  
Businesses  
Performing Non-  
Certified  
Services

The Section members reviewed a letter from the National Academy of Forensic Engineers (NAFE) regarding providing expert engineering and surveying services in the legal system in Virginia Specifically, questions have arisen among NAFE's membership as to whether or not an individual providing expert testimony would need to be licensed in the state where such testimony is being given The Section members were also provided with a draft response prepared by staff After discussion, the Section members agreed by consensus that the response prepared by staff was appropriate The response provides the definition of the "practice of engineering" and states, in part, that, in Virginia, it is up to the courts to determine if an expert witness is qualified and any charge of unlicensed activity is not within the Board's scope of authority

Review  
Correspondence  
from National  
Academy of  
Forensic  
Engineers

The Section members reviewed the draft regulations prepared by the Regulatory Review Committee Mr Courtney apprised the Section members of several changes and concerns of the Architects Section, who had an opportunity to review the draft regulations at their Section meeting on January 29, 2003 After reviewing various parts of the draft regulations, the Section members agreed by consensus to review the draft in further detail in order to provide additional comments at their next Section meeting

Review Draft  
Regulations  
Prepared by  
Regulatory  
Review  
Committee

The Section members took a break from 10 41 a m to 10 50 a m

Break

The Section members were also provided with information regarding a

Other Business

candidate for NCEES President-Elect The candidate, Jon Nelson, P E ,  
is a member of the Oklahoma Board

Mr Courtney discussed Senate Bill 879 regarding the registration of  
professional business entities Mr Courtney indicated that the Department  
was initially concerned with the language contained in the bill, however,  
the bill has since been amended and appears to be agreeable to the  
Department

The Section members were provided with an e-mail from the Institution of  
Engineers, Australia (IEAust) regarding possible impediments to  
Australian engineers wishing to become licensed in Virginia The Section  
members took the information from IEAust under advisement

Mr Courtney asked the Section members if they had any comments or  
concerns that they wished to have discussed at the 2003 Board Presidents  
Assembly to be held February 13-15, 2003, in Girdwood, Alaska The  
Section members stated that they had no issues to be presented

Mr Courtney also discussed a resource guide that is being prepared by  
staff for use by building officials, the public, and regulants The resource  
guide will provide users with general information relevant to the  
professions regulated by the Board

Conflict of Interest forms were completed by all members present

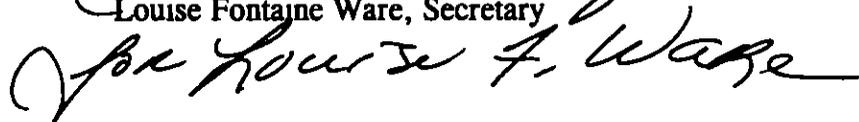
Conflict of  
Interest Forms

There being no further business, the meeting was adjourned at 11 40 a m

Adjourn

  
Richard N Davenport, Chair

  
Louise Fontaine Ware, Secretary

  
for Louise F. Ware

COPY TESTE

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Custodian of Records