

LANDSCAPE ARCHITECTS SECTION MEETING

MINUTES

The Landscape Architects Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on February 6, 2003, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present

William M Davenport
Ralph B Higgins

Staff present for all or part of the meeting were

Louise Fontaine Ware, Director
Karen W O'Neal, Deputy Director of Regulatory Programs
Mark N Courtney, Assistant Director
Marian H Brooks, Regulatory Board Administrator
Trisha L Henshaw, Administrative Assistant

No representative was present from the Office of the Attorney General

Finding a quorum of the Section present, Mr Higgins, Chair, called the meeting to order at 9 03 a m

Call to Order

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

Approval of Agenda

Mr Davenport moved to approve the minutes from the July 30, 2002, Section meeting as written Mr Higgins seconded the motion which was unanimously approved by members Davenport and Higgins

Approval of Minutes

Duncan Abernathy, representative of the Virginia Society of the American Institute of Architects (VSAIA) discussed the Board's authority versus the authority of a Section of the Board Mr Abernathy stated that § 54 1-404 of the Code of Virginia empowers the Board to adopt regulations but does not appear to prohibit the Board from delegating that power to its Sections Mr Abernathy stated that the power of the Board lies in its Sections, because each Section knows its profession best and is most able to determine who does or does not meet the requirements for certification or licensure Mr Abernathy stated that he is against actions that would take

Public Comment

any authority away from the Sections in order to give it to the Board, and would support a legislative change that would ensure that authority to regulate its profession stays with the Sections. Mr. Courtney informed the Section members that the authority to make case decisions is granted to the Board by the Administrative Processes Act.

Mr. Abernathy also discussed a vote by the APELSCIDLA Board regarding the definition of "registered design professional" in the Virginia Uniform Statewide Building Code and a letter that was sent to the Department of Housing and Community Development in support of a proposed definition that would include all professions on the Board. Mr. Abernathy expressed concern that this letter was sent indicating that the Board supported the proposed definition, but the letter made no mention that the vote was split 7-6. Mr. Abernathy expressed concern that there is a "voting block" on the Board that has emerged during various votes recently. The Section members assured Mr. Abernathy that there is no such "voting block." Mr. Courtney informed the Section members that no correspondence sent as a result of a Board vote includes detailed information regarding the actual 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. Mr. Courtney also informed the Section members that this issue has been reviewed by the Architects Section and the Professional Engineers Section and provided the Section members with a synopsis of their comments. After discussion, the Section members agreed that each situation needs to be evaluated on a case-by-case basis.

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

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

Letter
Regarding
Businesses
Performing
Non-Certified
Services

sentences referring to incidental work

The Section members were provided with information from Mr Courtney regarding the review of disciplinary and application files at Section meetings Mr Courtney indicated that due to Enforcement issues related to scheduling Informal Fact-Finding Conferences, budget constraints, and statutory requirements, the Sections of the Board need to consider eliminating review of disciplinary and application files at the Section meetings After discussion, the Section members indicated that they had no major concerns with having these files bypass the Sections

Discussion of
Processing of
Disciplinary
and Application
Files

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 and the Professional Engineers Section, who had an opportunity to review the draft regulations at their Section meetings 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 11 04 a m to 11 16 a m

Break

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

Other Business

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

The Section members were also provided with various memorandums and notices from the Council of Landscape Architectural Registration Boards (CLARB)

The Section members were also provided with information regarding the Wayne Grace Memorial Student Design Competition sponsored by the Landscape Architectural Registration Boards Foundation

The Section members were also informed that in November 2002, staff sent a letter to the Chair of the Landscape Architecture Accreditation Board

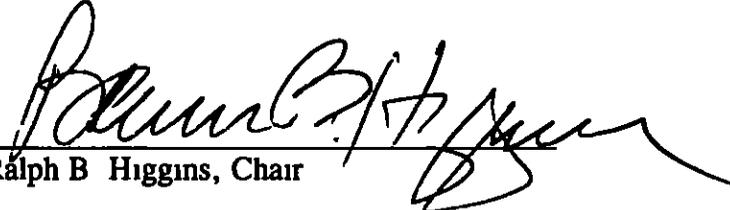
(LAAB) that requested a historical listing of programs accredited by LAAB since its inception Mr Courtney stated that as of this date he has not received a response and a follow-up letter will be sent in the near future

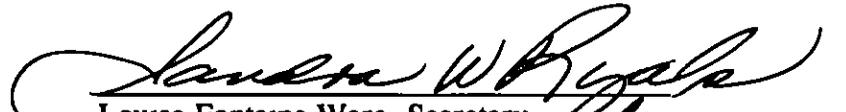
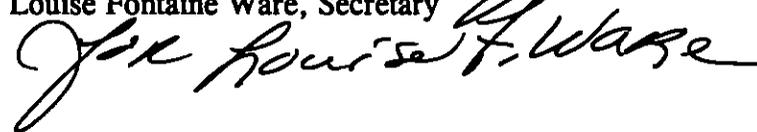
Conflict of Interest forms were completed by all members present

Conflict of
Interest Forms

There being no further business, the meeting was adjourned at 11 35 a m

Adjourn


Ralph B Higgins, Chair


Louise Fontaine Ware, Secretary


COPY TESTE

Custodian of Records