

# LAND SURVEYORS SECTION MEETING

## MINUTES

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

Doyle B. Allen  
John R. McAden  
W. R. Stephenson, Jr.

Staff present for all or part of the meeting were:

Louise Fontaine Ware, Director  
Sandra Whitley Ryals, Chief Deputy Director  
Mark N. Courtney, Executive Director  
Marian H. Brooks, Program Administrator  
Victoria Traylor, Legal Assistant

No representative of the Office of the Attorney General was present for the meeting.

Mr. Allen, Chair, called the meeting to order at 9:05 a.m.

Call to Order

Mr. Allen introduced Mr. Stephenson to the Section members and welcomed him to the Board.

Welcome New Member

Mr. McAden moved to approve the agenda. Mr. Stephenson seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

Approval of Agenda

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

Public Comment

Patrick Neil Hall spoke to the Section members regarding **File Number 2003-03112**. Mr. Hall provided an overview of his experience and asked that the members recommend acceptance of the summary and recommendation of the presiding Board member and recommend approval of his application for a land surveyor license.

Patrick Neil Hall, File Number 2003-03112

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 2003-03112, Patrick Neil Hall**, the Section

Call for Respondent

Patrick Neil Hall, File

members reviewed the record from the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member as well as the presentation by Mr. Hall. Mr. Stephenson moved to recommend that the Board accept the Summary of the presiding Board member and approve Mr. Hall's application for a land surveyor license. Mr. McAden seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

Number 2003-03112

In reference to **File Number 2003-03115, Patrick Dennis Leary**, the Section members reviewed the record from the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Allen moved to recommend that the Board accept the Summary of the presiding Board member and approve Mr. Leary's application for a land surveyor license contingent upon the application being completed and received prior to the Board meeting. The Experience Verification Form verified by Gary Francis Brant, for the time period at VDOT from July 2003 to December 2003, needs to be corrected to reflect that the time period was from July 2002 to December 2002, as per Mr. Leary's testimony at the Informal Fact-Finding Conference. Further, Mr. Leary and Mr. Brant will need to sign next to the changes on the form. Also, the applicant's signature will need to be completed by Mr. Leary on this same form. Mr. Stephenson seconded the motion which was unanimously approved by members: Allen and Stephenson. As Mr. Leary is a former employee of the firm that currently employs Mr. McAden, Mr. McAden recused himself and was not present during the discussion or vote.

Patrick Dennis Leary,  
File Number 2003-  
03115

In regards to **File Number 2003-03576, Andrew Mills Martin**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Martin. Mr. McAden moved to recommend that the Board accept the Consent Order, which cites a violation of 18 VAC 10-20-790 of the Board's 1999 regulations. For this violation, imposition of a monetary penalty of \$250.00 is recommended. Mr. Stephenson seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

Andrew Mills Martin,  
File Number 2003-  
03576

The Section members reviewed the materials for the upcoming National Council of Examiners for Engineering and Surveying (NCEES) Annual Meeting and discussed some of the issues to be voted on at the meeting, particularly the resolutions concerning the administration of examinations.

Discuss NCEES  
Annual Meeting

The Section members were provided with information from the Fairfax County Public Schools Office of Adult and Community Education

Review Fairfax  
County

regarding the work experience component of its Land Surveyors Apprenticeship program. The Section members agreed by consensus that the program appeared to continue to comply with the Board's regulations and asked staff to correspond with them accordingly.

**Apprenticeship Program**

Mr. Courtney provided the Section members with a copy of a letter that was sent to the provider of the NSPS/ACSM Survey Technician Program requesting an update on the status of their program to which, to date, Mr. Courtney had not received a response. The Section members asked Mr. Courtney to follow-up and obtain a response for review at the next meeting of the Section.

**NSPS/ACSM Survey Technician Program**

Mr. Courtney informed the Section members that he had not yet been able to contact anyone from Old Dominion University (ODU) to attend the Section meeting to discuss the status of the land surveying and engineering technology programs at ODU. The Section members asked Mr. Courtney to invite the Dean to attend the next Section meeting to discuss the status of the land surveying and engineering technology programs at ODU.

**ODU Land Surveying Programs**

Mr. Allen discussed whether a land surveyor who is cutting a lot out of an existing parcel, along an established boundary line of the existing parcel, would need to verify the location of the external boundary line. After discussion, the Section members agreed by consensus that the location of the external boundary line would need to be verified by the land surveyor establishing the new lot.

**Other Business**

Mr. Courtney provided the Section members with a copy of the Notice of Public Comment and Study sent to interested parties for the Board for Professional and Occupational Regulations' study of photogrammetry and provided them with an update on the status of the study.

Mr. Courtney asked the Section members what proof was required of those applicants who obtained a GED for completion of courses in algebra, geometry and trigonometry. The Section members indicated that applicants with a GED must provide documentation which shows that they obtained instruction in these areas or it would have to be assumed that they did not have such course work. Mr. Courtney also provided the Section members with an overview of the process staff is following in processing applications.

Mr. Courtney informed the Section members that the draft proposed regulations would be on the agenda for consideration at the next APELSCIDLA Board meeting scheduled for September 10, 2003.

Mr. Courtney provided the Section members with the *New Board Member Training Manual 2003-2004* on compact disk.

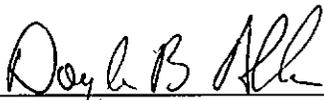
The Section members reviewed correspondence from former Board member Wilmer F. Sirine, II, regarding education and continued competency standards.

Conflict of Interest forms were completed by all members present.

Conflict of Interest  
Forms

There being no further business, the meeting was adjourned at 11:05 a.m.

Adjourn

  
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Doyle B. Allen, Chair

  
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Louise Fontaine Ware, Secretary

COPY TESTE:

\_\_\_\_\_  
Custodian of Records

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: John R. McAden
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on August 6, 2003
5. Nature of Personal Interest Affected by Transaction: Land Surveying  
I refuse myself item 6 File Number 2003-03115 because Patrick Leary was a former Employee,
6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

Land Surveyor

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

John R. McAden  
Signature

8/6/03  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: W. R. Stephenson, Jr.
  2. Title: Member
  3. Agency: APELSCIDLA Board
  4. Transaction: Board Meeting on August 6, 2003
  5. Nature of Personal Interest Affected by Transaction: NONE
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6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

W R Stephenson Jr  
Signature

8-06-03  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Doyle B. Allen
  2. Title: Member
  3. Agency: APELSCIDLA Board
  4. Transaction: Board Meeting on August 6, 2003
  5. Nature of Personal Interest Affected by Transaction: NONE
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6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Doyle B. Allen  
Signature

8/6/03  
Date