

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 August 2, 2006, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Nico De León
Stanley C. Harris
Wiley V. Johnson, III

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
David Ashe, Chief Deputy
Karen O'Neal, Deputy Directory of Licensing and Regulation Division
Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Earlyne Perkins, Legal Analyst
Michelle Gowen, Administrative Assistant

No representative was present from the Office of the Attorney General.

Mr. De León, Chair, called the meeting to order at 9:07 a.m.

Call to Order

Mr. Harris moved to approve the agenda. Mr. Johnson seconded the motion which was unanimously approved by members: De León, Harris, and Johnson.

Approval of Agenda

Mr. De León turned over the position of Chair to Mr. Harris and recused himself from the meeting.

Transfer of Chair

Ms. Foroughi was present to let the Section members know that she fully agreed with the recommendation made by Mr. De León and thanked them for their consideration in this matter.

**File Number
2006-04353,
Angela Foroughi**

Regarding **File Number 2006-04353, Angela Foroughi**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, the Summary of the Informal Fact-Finding Conference, and Ms. Foroughi's presentation. Mr. Johnson moved to recommend that the Board accept the

recommendation of the presiding Board member and accept the experience submitted by Ms. Foroughi with her application as acceptable professional engineer experience and approve her application for examination. Mr. Harris seconded the motion which was unanimously approved by members: Harris and Johnson.

As the presiding Board member, Mr. De León was not present during the discussion or vote.

Mr. De León returned to the meeting and resumed the position of Chair.

**Transfer of
Chair**

Regarding File Number 2006-00737, Charles Eugene Fullerton, the Section 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. Mr. Harris moved to recommend that the Board accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violations of the Board's 2002 regulations: 18 VAC 10-20-710.A (Count 1); 18 VAC 10-20-740.C (Count 2); and 18 VAC 10-20-795 (Count 3). Mr. De León seconded the motion which was unanimously approved by members: De León and Harris.

**File Number
2006-00737,
Charles Eugene
Fullerton**

After Ms. Perkins informed the Section members that there have been no prior violations involving Mr. Fullerton, Mr. Harris moved to recommend that the Board accept the Summary of the Informal Fact-Finding Conference and impose the following sanctions: for the violation contained in Count 1, \$2,500.00 and license revocation; for the violation contained in Count 2, license revocation; and for the violation contained in Count 3, \$500.00; for a total monetary penalty of \$3,000.00. Mr. De León seconded the motion which was unanimously approved by members: De León and Harris.

As the presiding Board member, Mr. Johnson was not present during the discussion or vote.

Malcolm Kerley, Chief Engineer at Virginia Department of Transportation, and Mohammad Mirshahi, State Location and Design Engineer, were present to address the Section members and give some background on §54.1-402.1 of the *Code of Virginia* and the efforts VDOT has made since then to comply with the provisions of §54.1-402.1 of the *Code*. Mr. Kerley let the Section members know that he would be happy to answer any questions they may have.

**Public Comment
Period**

Mr. Courtney provided the Section members with a handout and noted that the item will be on the September 7, 2006, APELSCIDLA Board meeting agenda for discussion. After review and discussion, a majority of the Section members concurred with the recommended interpretation provided by staff.

Discussion of
Sealing of
Professional
Work by
State/Local
Government
Employees

Mr. Harris and Mr. Courtney reviewed and discussed the topics addressed at the NCEES NE Zone meeting held in March in Charleston, West Virginia.

Report from
NCEES NE
Zone Meeting

The Section members took a break from 10:34 a.m. to 10:46 a.m.

Break

Mr. Courtney provided the Section members with the following proposed 2007 meeting dates for the Professional Engineers Section: Thursday, February 8, 2007; Thursday, May 10, 2007; Thursday, August 9, 2007 and Thursday, October 11, 2007. Mr. Harris moved to adopt the proposed meeting dates. Mr. Johnson seconded the motion which was unanimously approved by members: De León, Harris, and Johnson.

Set 2007
Meeting Dates

The Section members were provided with various memorandums and notices from NCEES and ABET.

Information
from NCEES
and ABET

Mr. Courtney discussed the request made by VSPE for Jeff Russell to speak at the September 7, 2006, APELSCIDLA full Board meeting on the changes to the NCEES Model Law. Mr. Courtney will contact VSPE and set up the presentation.

Other Business

Conflict of Interest forms were completed by all members present.

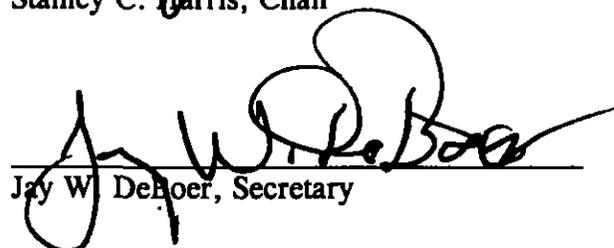
Conflict of
Interest Forms

There being no further business, the meeting was adjourned at 10:49 a.m.

Adjourn



Stanley C. Harris, Chair



Jay W. DeBoer, Secretary

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

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

1. Name: Stanley C. Harris
2. Title: Member
3. Agency: Professional Engineers Section
4. Transaction: Section Meeting on August 2, 2006
5. Nature of Personal Interest Affected by Transaction: _____

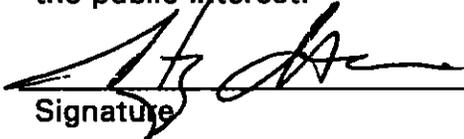
NONE

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:

ASME, VSPE

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


Signature

8/2/06
Date

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

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

1. Name: Nico De León
2. Title: Member
3. Agency: Professional Engineers Section
4. Transaction: Section Meeting on August 2, 2006
5. Nature of Personal Interest Affected by Transaction: _____

None

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:

Engineering

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

Signature

Date

8/2/06

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

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

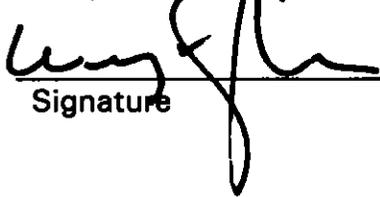
1. Name: Wiley V. Johnson, III
2. Title: Member
3. Agency: Professional Engineers Section
4. Transaction: Section Meeting on August 2, 2006
5. Nature of Personal Interest Affected by Transaction: _____

None

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:

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


Signature

8.2.06
Date