

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS
AND LANDSCAPE ARCHITECTS MEETING**

MINUTES

The Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on December 13, 2007, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Architects

John S. Clark, Jr.
J. Everette Fauber, III
Kenneth A. Schwartz

Land Surveyors

John R. McAden (arrived at 9:42 a.m.)
Nancy E. McIntyre
W. R. Stephenson, Jr.

Landscape Architects

Vaughn B. Rinner
William H. Spell

Professional Engineers

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

Interior Designers

Lorri B. Finn
Cameron C. Stiles

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Saba L. Shami, Chief Deputy
Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Michelle Gowen, Administrative Assistant
Earlyne Perkins, Legal Analyst

Steven P. Jack, Assistant Attorney General, was present at the meeting.

Ms. Harris, Chair, called the meeting to order at 9:06 a.m.

Ms. Stiles moved to approve the agenda. Mr. Clark seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Mr. DeBoer introduced the new Chief Deputy of DPOR, Saba L. Shami.

Call to Order

Approval of Agenda

Introduction of Chief Deputy

Mr. Fauber moved to approve the minutes for the following meetings as amended:

Approval of Minutes

- December 13, 2007, APELSCIDLA Board Meeting;
- December 19, 2007, Informal Fact-Finding Conference (PE);
- February 5, 2008, Architects Section Meeting;
- February 12, 2008, Professional Engineers Section Meeting;
- February 20, 2008, Informal Fact-Finding Conference (LS); and
- March 6, 2008, APELSCIDLA Resource Guide Committee Meeting.

Mr. Schwartz seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Public Comment Period – Craig Moore was present to address the Board in regards to HB1492, § 54.1-402.1 of the *Code of Virginia*, and regulation 18 VAC 10-20-310. Mr. Moore provided the Board members with a handout showing the affects of the requirements of regulation 18 VAC 10-20-310.

Public Comment Period

Mr. Harris turned the position of Chair over to Ms. Stiles and recused himself from the meeting.

Transfer of Chair

Robert Naftel, Esquire, and Peter R. Seckinger were present to address the Board. Mr. Naftel requested the Board consider that Mr. Seckinger has had a spotless career with no problems up until this point. Mr. Naftel has been in touch with the treatment facilitators as well as Mr. Seckinger's probation officer who have all stated that Mr. Seckinger has been going through treatment successfully and would be happy to provide letters of recommendation to the Board if necessary.

File Number 2007-04858, Peter Rabun Seckinger

Mr. Seckinger stated that he is attending therapy sessions several times per week of which only one is mandated by the courts. Mr. Seckinger also noted that he is sponsoring others in his group and is also the treasurer of the group. Mr. Seckinger humbly requested that he be able to keep his license in order to support his family.

Regarding **File Number 2007-04858, Peter Rabun Seckinger**, the Board 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, and the presentation by Mr. Naftel and Mr. Seckinger. Mr. Schwartz moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites a violation of 18 VAC 10-20-790.A.2 of the Board's regulations. Ms. McIntyre seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Johnson, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

After Ms. Perkins indicated that there have been no prior disciplinary actions

against Mr. Seckinger, Mr. Johnson moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following:

\$1,000.00 for the violation of 18 VAC 10-20-790.A.2 as well as probation of Mr. Seckinger's professional engineer license for a term concurrent with his court ordered probation with the following terms:

1. submit to the Board, every six months, a letter from his probation officer stating Mr. Seckinger's current progress with his probation;
2. Mr. Seckinger does not violate and federal, state, or local laws;
3. Mr. Seckinger is to immediately report (within 72 hours) to the Board any violation of the terms of his court ordered probation;
4. Mr. Seckinger is to immediately report (within 72 hours) to the Board any violation of any professional regulation in any state in which he is licensed; and
5. Mr. Seckinger is to immediately report (within 72 hours) to the Board any arrests or convictions.

Ms. McIntyre seconded the motion which was approved by members: Clark, De Léon, Fauber, Finn, Johnson, McIntyre, Rinner, Spell, Stephenson, and Stiles. Mr. Schwartz voted in opposition of the motion. The motion carried with a majority vote.

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

Mr. Harris returned to the meeting and resumed the position of Chair.

"Good morning ladies and gentlemen. I am Stanley C. Harris, and I am the Chairman of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board).

"This is a public hearing held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. This hearing is being held pursuant to § 2.2-4007 of the Administrative Process Act of the Code of Virginia for the purpose of receiving public comment on the Board's proposed regulations published in the Virginia Register on Monday, December 24, 2007, which would allow a candidate the opportunity to start taking the Architect Registration Examination after enrolling in, but prior to completing, the Intern Development Program.

"The list of interested parties and organizations which were notified of this process and invited to comment is available upon written request.

Transfer of Chair

Public Hearing on ARE/IDP Regulations

“The staff of the Department of Professional and Occupational Regulation will prepare a report of all public comment received which will be presented to the Board for consideration of any revisions to the proposed regulations.

“Please allow me to introduce the members of the APELSCIDLA Board at this time, they are: John S. Clark, Architects Section; J. Everette Fauber, III, Architects Section; Kenneth A. Schwartz, Architects Section; Vaughn B. Rinner, Landscape Architects Section; William H. Spell, Landscape Architects Section; Nancy McIntyre, Land Surveyors Section; W. R. Stephenson, Jr., Land Surveyor Section; Nico De León, Professional Engineers Section; Wiley V. Johnson, III, Professional Engineers Section; Cameron C. Stiles, Interior Designers Section; Lorri B. Finn, Interior Designers Section.

“Now I would like to present the rules for this public hearing -

“Rules for this Hearing:

“Comments will be received from any member of the public and initial comments will be limited to a maximum of 5 minutes depending on the number of individuals who wish to speak. If you have not signed up to speak and you wish to give testimony today, please sign your name on the sign up sheet at this time.

“Board members may ask speakers questions or to clarify statements. However, this is not the proper forum for questions to the Board. If you have a question for the Board, please forward them in writing, to the Board.

“Any speaker, who wishes to provide a written statement in addition to his oral testimony, or in lieu of oral testimony, may do so until Wednesday, March 19, 2008.”

There were no speakers present at the meeting.

Mr. Harris stated, “The record of the public hearing will be kept open until Wednesday, March 19, 2008, and written comments will be accepted through 5:00 p.m. that day. This hearing is now closed.”

“Good morning ladies and gentlemen. I am Stanley C. Harris, and I am the Chairman of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board).

**Public Hearing on
Proposed
Continuing
Education
Regulations**

“This is a public hearing held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. This hearing is being held pursuant to § 2.2-4007 of the Administrative Process Act of the Code of Virginia for the purpose of receiving public comment on the Board's proposed regulations published in the Virginia Register on Monday, March 3, 2008, to implement a mandatory continuing education program for

architects, professional engineers, and land surveyors. Please note that the General Assembly, through House Bill 1054 from the 2006 Session, has mandated that the Board implement this program – as such, the Board has no discretion whether to implement a mandatory continuing education program – only regarding the details of how to implement the program in accordance with the law.

“The list of interested parties and organizations which were notified of this process and invited to comment is available upon written request.

“The staff of the Department of Professional and Occupational Regulation will prepare a report of all public comment received which will be presented to the Board for consideration of any revisions to the proposed regulations.

“Please allow me to introduce the members of the APELSCIDLA Board at this time, they are: John S. Clark, Architects Section; J. Everette Fauber, III, Architects Section; Kenneth A. Schwartz, Architects Section; Vaughn B. Rinner, Landscape Architects Section; William H. Spell, Landscape Architects Section; Nancy McIntyre, Land Surveyors Section; W. R. Stephenson, Jr., Land Surveyor Section; Nico De León, Professional Engineers Section; Wiley V. Johnson, III, Professional Engineers Section; Cameron C. Stiles, Interior Designers Section; Lorri B. Finn, Interior Designers Section.

“Now I would like to present the rules for this public hearing -

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“Comments will be received from any member of the public and initial comments will be limited to a maximum of 5 minutes depending on the number of individuals who wish to speak. If you have not signed up to speak and you wish to give testimony today, please sign your name on the sign up sheet at this time.

“Board members may ask speakers questions or to clarify statements. However, this is not the proper forum for questions to the Board. If you have a question for the Board, please forward them in writing, to the Board.

“Any speaker, who wishes to provide a written statement in addition to his oral testimony, or in lieu of oral testimony, may do so until Friday, May 2, 2008.”

Frank Richardson was present representing the Virginia Association of Surveyors (VAS). Mr. Richardson stated that he has been the Chair of the VAS Education Committee for the past eight years. Mr. Richardson stated that he, on his personal behalf and as a representative of VAS, wanted to let the Board know that this mandate is supported 100%.

Craig S. Moore was present to let the Board know that he supports CEUs and just wanted the Board to know that he had a few small concerns including

teachers and authors not receiving CEU credits for papers published and classes taught. Mr. Moore also noted that he feels that a few hours of CEUs must be devoted to the regulations.

David Dent, Professional Engineer from Blacksburg, VA, was present to inform the Board that he is in agreement with the continuing education requirement and that he agreed with Mr. Moore's concerns regarding the regulations as written.

Mr. Harris stated, "Thank you for your comments today. The record of the public hearing will be kept open until Friday, May 2, 2008, and written comments will be accepted through 5:00 p.m. that day. This hearing is now closed."

Mr. McAden arrived at the meeting at 9:42 a.m.

Arrival of John R. McAden

Regarding **File Number 2007-03466, Zannino Engineering**, the Board members reviewed the Consent Order as seen and agreed to by Zannino Engineering. Ms. Stiles moved to accept the Consent Order which cites a violation of 18 VAC 10-20-760.A. For this violation, Zannino Engineering, Inc., agrees to a monetary penalty of \$1,000.00 as well as \$150.00 in Board costs for a total monetary penalty of \$1,150.00. Mr. Spell seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

File Number 2007-03466, Zannino Engineering

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

Charles Gavin, Esquire, provided the Board with a letter dated March 18, 2008, notifying the Board members that he nor his client could be present at the meeting and noting that Mr. Bertrand and Land Pro & Associates would like to re-submit the prior arguments made and to preserve those arguments for purposes of appeal.

File Number 2008-00624, Martin Bertrand and Land Pro & Associates, LLC

Regarding **File Number 2008-00624, Martin Bertrand and Land Pro & Associates, LLC**, after reviewing and discussing the record of the informal fact-finding conference, the file, and the letter from Mr. Gavin. Mr. Schwartz moved to accept the recommendation of the Presiding Officer and uphold the Cease and Desist Order. Mr. McAden seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, and Stiles.

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

Regarding **File Number 2007-04714, Harold O. Warner**, the Board member reviewed the Consent Order as seen and agreed to by Mr. Warner. Mr.

File Number 2007-04714, Harold O.

McAden moved to accept the Consent Order which cites a violation of 18 VAC 10-20-760.B.2 of the Board regulations. For this violation Mr. Warner agrees to a fine of \$50.00 and Board costs in the amount of \$150.00 for a total monetary penalty of \$200.00. Mr. Stephenson seconded the motion which was unanimously approved by members: De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Warner

As the reviewing Board member, Mr. Clark was not present during the discussion or vote.

Regarding **File Number 2008-01304, Mark W. Gibson**, the Board Members reviewed the Consent Order as seen and agreed to by Mr. Gibson. Ms. Finn moved to accept the Consent Order which cites a violation of 18 VAC 10-20-740.D of the Board's regulations. For this violation Mr. Gibson agrees to a fine in the amount of \$350.00 and Board costs in the amount of \$150.00 for a total monetary penalty of \$500.00. Mr. Johnson seconded the motion which was unanimously approved by members: De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

File Number 2008-01304, Mark Wade Gibson

As the reviewing Board member, Mr. Clark was not present during the discussion or vote.

After reviewing the application and Agreement for Registration, Ms. McIntyre moved to accept the Agreement for Registration as seen and agreed to by BEC Engineering, Inc. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Agreement for Registration 2008-01, BEC Engineering, Inc.

The Board members reviewed a letter from James Barnett, York County Attorney, requesting an official interpretation of § 54.1-408 of the *Code of Virginia* as it relates to the design of vacuum sewer systems by Land Surveyor Bs. After discussion, Mr. Clark moved that sewage moved through a pipeline by means of pressure created by a vacuum pump is a pressure hydraulic system; and without further information the Board could not address what constitutes "design" of such a system and who may perform this "design." Mr. Johnson seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Discussion of Design of Vacuum Sewer Systems by Land Surveyor Bs

After review and discussion, the Board members agreed by consensus that this matter would be sent to the Land Surveyor, Professional Engineer, and Landscape Architect Sections for further review and consideration.

Discussion of Use of Land Surveyor's Seal for Preparation of Plans which include BMP's

The Board members reviewed the following House Bills:

Review of 2008 Legislation

HB517 and HB518 which clarify the roles of an AOSE and a PE in designing

on-site sewage systems.

HB1166 which authorizes the Board of Health, the Commissioner of Health, and the Department of Health to accept treatment works designs from professional engineers.

HB766 which makes it a Class 1 misdemeanor to operate a degree/diploma mill and to issue or manufacture academic credential or for a person to use one.

HB1492, which did not pass, but provided that any person engaged in the practice of land surveying as an employee of the Commonwealth or any political subdivision shall be allowed to use such experience toward the requirements for a licensed land surveyor.

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting. Mr. Schwartz noted the reduction in the number of days that cases are open.

**Comprehensive
Report of CID
Activity**

The Board members were provided with financial statements from January 2008 for informational purposes.

**Review of Board
Financial
Statements**

Mr. Courtney informed the Board that Ms. Stiles had recently been inducted in the 2007 ASID Class of Fellows.

Other Business

Mr. Fauber announced that Mr. Schwartz was a candidate for the Director of Region 2 on the NCARB Board of Directors.

Mr. Fauber provided a brief report from the Resource Guide Committee and noted their next meeting was scheduled for May 5, 2008.

Mr. Fauber also informed the Board of a program in his part of the state that allows high school student to start accruing college credit for engineering courses which will later transfer to the University of Virginia.

Ms. Sweet, Director of Examinations, was present to address the Board concerning the fee increase for the NCEES engineering and land surveying exams which will occur in October 2008. Mr. Schwartz moved to adopt the increased fees of:

October 2008

Exam	Exam Fee	Administration Cost	Total Candidate Fee
FE	\$90	\$55	\$145
PE	\$90	\$165	\$255
FLS	\$90	\$100	\$190
PLS	\$90	\$165	\$255
Structural I	\$90	\$165	\$255
Structural II	\$90	\$655	\$745

Land Surveyor Virginia and Land Surveyor B examinations will be:
Virginia Portion total fee - \$165; LSB - \$315.

LARE - June 2008

Exam	CLARB Exam Fee	Administration Cost	Total Candidate Fee
C	\$260	\$50	\$310
E	\$260	\$50	\$310

Spring 2008

Exam	CLARB Exam Fee	Administration Cost	Total Candidate Fee
A	\$85	\$75	\$160
B	\$115	\$75	\$190
D	\$195	\$75	\$270

Mr. Fauber seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Mr. Schwartz noted that Mr. Courtney and Ms. Dean were scheduled to speak to the UVA Architect Professional Practice class on Thursday, March 20, 2008, and such presentations have always been well received and informative in the past. Ms. Harris also noted that Mr. Courtney and Ms. Dean had recently made a presentation to the Richmond Chapter of VSPE which was also well done.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

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

Adjourn

Stanley C. Harris, Sr., Chair

Jay W. DeBoer, Secretary