

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 February 9, 2011, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Paul deC. Holt
Nancy E. McIntyre
W. R. Stephenson, Jr.

Staff present for all or part of the meeting were:

Gordon N. Dixon, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation Division
Kathleen R. Nosbisch, Executive Director
Marian H. Brooks, Board Administrator
Justin Garofalo, Board Administrator
Amy Goobic, Administrative Assistant
Earlyne Perkins, Legal Analyst

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

Mr. Stephenson, Chair, called the meeting to order at 9:30 a.m.

Call to Order

Mr. Stephenson advised the section of the emergency evacuation procedures.

Emergency Evacuation Procedures

Mr. Stephenson introduced and welcomed new board member, Paul deC. Holt.

Welcome & Introduction of New Board Member

Ms. McIntyre moved to approve the agenda. Mr. Holt seconded the motion which was unanimously approved by members: Holt, McIntyre, and Stephenson.

Approval of Agenda

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

Public Comment

Regarding **File number 2010-03145, J.E. Sears, Jr.**, the Section members reviewed the Consent Order as seen and agreed to by Mr.

File Number 2010- 03145, J.E. Sears,

Sears. Mr. Holt moved to recommend that the Board accept the Consent Order which cites the following violation of the Board regulations: 18VAC10-20-380.C.17 (Count 1). For this violation Mr. Sears agrees to the following sanctions: \$200.00 for the violation contained in Count 1; as well as \$150.00 in Board costs for a total monetary penalty of \$350.00. Ms. McIntyre seconded the motion which was unanimously approved by members: Holt and McIntyre.

Jr.

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

Regarding **File Number 2011-02538, Justin Lahman**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Holt recommended that the Board accept the recommendation contained in the Summary of the Informal Fact-Finding Conference, and that Mr. Lahman's application as a Surveyor Photogrammetrist be approved.

File Number 2011-02538, Justin Lahman

As the presiding Board member, Mr. Stephenson was not present during the discussion or vote. Ms. McIntyre was also recused as she provided technical review.

Regarding **File number 2010-05686, George E. Walters**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Walters. Mr. Stephenson moved to recommend that the Board accept the Consent Order which cites the following violations of the Board regulations: 18VAC10-20-360.B.6 (Count 1); 18VAC10-20-370.B (Count 2); 18VAC10-20-370.C.3 (Count 3); 18VAC10-20-370.D.1 (Count 4); 18VAC10-20-370D.2.b (Count 5); 18VAC10-20-370.D.2.c (Count 6); 18VAC10-20-370.D.2.e (Count 7); 18VAC10-20-370.D.2.f (Count 8); and 18VAC10-20-370.D.2.j (Count 9). For these violations Mr. Walters agrees to the following sanctions: \$100.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; \$200.00 (2 violations at \$100.00 each) for the violations contained in Count 3; \$1,000.00 (2 violations at \$500.00 each) for the violations contained in Count 4; \$200.00 (2 violations at \$100.00 each) for the violations contained in Count 5; \$100.00 for the violation contained in Count 6; \$500.00 for the violation contained in Count 7; \$200.00 (2 violations at \$100.00) for the violations contained in Count 8; and \$100.00 for the violation contained in Count 9; as well as \$150.00 in Board costs for a total monetary penalty of \$3,050.00. Mr. Holt seconded the motion which was unanimously approved by members: Holt and Stephenson.

File Number 2010-05686, George E. Walters

As the presiding Board member, Ms. McIntyre was not present during the discussion or vote.

Ben Stagg, Virginia Marine Resources Commission, was present to address the Section. Mr. Stagg presented the Section with a draft document for protocol of monitoring of shoreline erosion projects. Mr. Stagg explained that his division, which permits shoreline erosion projects, has recently seen innovative new structures and have been hesitant to permit untested structures without strict guidelines and monitoring. He further explained that the monitoring of such projects would require survey work. Mr. Stagg asked the Section to review the draft document and provide input.

**Draft Protocol
Monitoring Of
Shoreline Erosion
Projects - VMRC**

Ms. Nosbisch stated that the issue is not under the jurisdiction of the Board, however, the Board could provide input. After discussion, the Section suggested minor changes and concurred that it was a helpful document.

Ms. McIntyre provided the Section with correspondence she received regarding the preparation of topographic surveys as part of site plan development. Discussion was held on whether the surveys could be prepared by a professional other than a surveyor, as incidental work, unregulated topographic surveys and who signs and seals a survey that is part of a site plan. Mr. Courtney reported that the issue would be addressed when the new regulations became effective, as the Regulatory Review Committee made proposed changes to the language.

**Discussion of
Preparing
Topographic
Surveys as Part of
Site Development
Plan**

The correspondence was also provided to the PE Section for discussion at their meeting February 8, 2011. At the PE meeting, Mr. Courtney suggested a Guidance Document be drafted for clarification of 18VAC10-20-382.B.11, that when another professional does do *incidental* surveying, he needs to put the "Name of Professional," Cite 54.1-402 A1, A2, & C and 18VAC10-20-730.C and bring all those cites full circle. The Section agreed with the PE's recommendation of a guidance document.

The Section also wanted to emphasize that if a professional is performing incidental work, they may only do so if they are competent by experience and training.

Mr. Stephenson explained that the Section members were not informed by PCS of exam question issues from the Virginia specific, October exam until January 5, 2011. Additionally, the exam candidates had not yet received their scores. Mr. Stephenson's expressed concern, as the reapply date for the exam was January 14. There was additional concern that PCS does not coordinate with the Board prior to scheduling test writing sessions.

PCS Issues

The Section asked Ms. Nosbisch to review the terms of the exam contract

with PCS, to verify the time frame for results. Mr. Stephenson would like PCS to be notified about the necessity of expediting the processing of exam scores.

Discussion was held on the review process for exam questions. The Section agreed that they should be reviewing the questions for the October exam at the August Section meeting. The Section also agreed to meet after the March 22, 2011 APELSCIDLA Board meeting to discuss questions for the April exam.

The Section discussed Computer Based Testing (CBT) for the state portion of the Land Surveyor exam. Mr. Stephenson reported the FE and FS exams would be the first exams to utilize CBT some time in 2013. The PE and LS exams could possibly begin in 2015. The Section agreed that they need to be prepared for CBT of the state exam.

**Committee for CBT
for State Portion of
Exam**

Discussion was held on scheduling an exam session to review state exam questions. This would include identifying categories of questions (trigonometry, boundaries, etc.) and what percentage of questions would be from each category; strengths and weaknesses of the questions; and building up the bank of questions.

The Section agreed that there would need to be additional experts and training persons on hand during the session. Ms. Nobsch will gather information regarding preparation for such a meeting.

The Section tentatively scheduled an exam writing day for June 17, 2011.

Ms. Nobsch informed the Section of the 2010 NCEES Awards.

NCEES Update

Mr. Stephenson reported on the EPS (Examination for Professional Surveyors) Committee. Mr. Stephenson stated that the Committee reviewed the demographics of the professionals writing the exams, and that 78% of the professionals had 30 or more years of experience. He reported that NCEES has opportunities for newer licensees to participate on the exam committee. Mr. Stephenson also reported that the number of LS examinees is declining. Mr. Stephenson complimented Mr. Garofalo on the presentation he gave at the recent VAS meeting.

Ms. Nobsch reported that Dave Widmer, of the Pennsylvania Board for Professional Engineers, Land Surveyors and Geologists, is running for NCEES Treasurer and Skip Harclerode, of the Maryland State Board for Professional Engineers, is running for Northeast Zone Vice President.

The Section discussed having representation on the Board from different

Other Business

areas of the Commonwealth. At present, all three section members are from the Tidewater area. This was discussed because surveying in different regions of the Commonwealth can vary depending on terrain and geographic landscape. The Section suggested an article in the newsletter explaining the process for applying for, or nominating a person for, a board appointment.

Ms. Nosbisch recognized National Land Surveyor Week which will be March 20-26.

Ms. Nosbisch informed the Section of the discussion on document ownership that ensued at the Professional Engineers section meeting, February 8, 2011. The Section concurred with the PE Section in that the use of documents from another professional is an issue of risk management. The issue of whether ownership is violated would be left up to the judgment of the Board on a case by case basis.

Discussion was held on correspondence received from Walter Crockett regarding subdivision plats. Mr. Stephenson stated that subdivision plats are not incidental work and that the Board had ruled as such in the past. Mr. Courtney informed the Section that the Attorney General had written an opinion on the subject in 1972 regarding 'incidental' work. The Spring 1999 issue of Dimensions newsletter referenced the opinion in an article.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 12:00 p.m.

Adjourn

W.R. Stephenson, Jr., Chair

Gordon N. Dixon, Secretary