

**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 15, 2011, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Architects

James R. Boyd
Clint Good
Michael F. LeMay

Professional Engineers

John L. Combs
Nico De León
Wiley V. Johnson, III

Land Surveyors

Paul deC. Holt
Patrick D. Leary
Nancy E. McIntyre

Interior Designers

Lorri B. Finn
Cameron C. Stiles

Landscape Architects

A. Cabell Crowther
Andrew M. Scherzer

Staff present for all or part of the meeting were:

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

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

Mr. Scherzer, Chair, called the meeting to order at 9:35 a.m.

Mr. Scherzer advised the Board of the emergency evacuation procedures.

Ms. Stiles moved to approve the agenda as amended. Mr. Johnson seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles.

Mr. LeMay moved to approve the minutes for the following meetings:

- September 28, 2011, APELSCIDLA Board Meeting;

Call to Order

**Emergency
Evacuation
Procedures**

Approval of Agenda

Approval of Minutes

- September 28, 2011, Informal Fact-Finding Conference;
- October 27, 2011, Architect Section Meeting;
- November 9, 2011, Land Surveyors Section Meeting;
- November 9, 2011, Informal Fact-Finding Conference;
- November 14, 2011, Informal Fact-Finding Conference; and
- November 16, 2011, Professional Engineers Section Meeting.

Mr. Holt seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles.

Mr. Andrew Stafford, Program Manager, NCIDQ, was present to address the Board. Mr. Stafford stated that he was available for any questions the Board may have regarding NCIDQ.

**Public Comment
Period**

Mr. Charles Gwaltney, PE, was present to address the Board. Mr. Gwaltney stated that the Department of Conservation & Recreation (DCR) may be in violation of §54.1-406.A of the *Code of Virginia*. Mr. Gwaltney feels that their certified nutrient management plan providers (NMP) program has unfairly excluded his PE background as fulfilling the requirements for certification as an NMP. Ms. Nosbisch affirmed to Mr. Gwaltney that staff will look into the matter.

Regarding **File Number 2011-03337, Kraig Matthew Blim**, the Board 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 as well as the Section's recommendation. Mr. Leary moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violations of the Board's regulations: 18VAC10-20-790.A.1 (Count 1); and 18VAC10-20-750.C (Count 2). Ms. Stiles seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, Scherzer and Stiles. As the presiding Board member, Ms. McIntyre, was not present during the discussion or vote.

**File Number 2011-
03337, Kraig
Matthew Blim**

After Ms. Perkins indicated that there have been no prior disciplinary actions against Mr. Blim, Mr. Holt moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$500.00 for the violation contained in Count 1; \$150.00 for the violation contained in Count 2; for a total monetary penalty of \$550.00. In addition, Mr. Blim's license shall be placed on probation until he provides evidence acceptable to the Board that he has successfully passed the Virginia Board's Examination on Regulations. If Mr. Blim fails to submit such evidence within six months, his license shall be suspended. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, Scherzer and Stiles. As the presiding Board member, Ms. McIntyre, was not present during

the discussion or vote.

Mr. Johnson recused himself from the meeting.

Recusal of Mr. Johnson

Mr. May was present to address the Board.

File Number 2012-00714, Joseph M. May

Regarding **File Number 2012-00714, Joseph M. May**, the Board 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 as well as the Section's recommendation. Ms. Nosbisch informed the Board that the participant letter sent to Mr. May erroneously stated that his case would be reviewed at the PE Section meeting; it should have stated the APELSCIDLA Board meeting. Mr. May was advised of the correction. Mr. LeMay moved to accept the recommendation of the presiding Board member, and deny Mr. May's application to sit for the Land Surveyor examination. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, Scherzer and Stiles. As the presiding Board member, Ms. McIntyre, was not present during the discussion or vote.

Mr. Johnson returned to the meeting.

Return of Mr. Johnson

Regarding **File Number 2011-00814, Anthony Vann Hunt**, the Board 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 as well as the Section's recommendation. Ms. Stiles moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violations of the Board's regulations: 18VAC10-20-750.B (Count 1); and 18VAC10-20-750.C (Count 2). Mr. De León seconded the motion which was unanimously approved by members: Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding Board member, Mr. Boyd, was not present during the discussion or vote.

File Number 2011-00814, Anthony Vann Hunt

After Ms. Perkins indicated that there have been no prior disciplinary actions against Mr. Vann Hunt, Mr. Holt moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$500.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; for a total monetary penalty of \$1,000.00. In addition, Mr. Vann Hunt's license shall be placed on probation until he provides evidence acceptable to the Board that he has successfully passed the Virginia Board's Examination on Regulations. If Mr. Vann Hunt fails to submit such evidence within six months, his license shall be suspended. Ms.

McIntyre seconded the motion which was unanimously approved by members: Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding Board member, Mr. Boyd, was not present during the discussion or vote.

Regarding **File Number 2011-03733, Robert Hollendonner**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Hollendonner. Mr. Johnson moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-795 (Count 1). For this violation, Mr. Hollendonner agrees to pay the following monetary penalties: no monetary penalty for the violation contained in Count 1; and \$150.00 in board costs, for a total monetary penalty of \$150.00. Ms. Stiles seconded the motion which was unanimously approved by members: Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding board member, Mr. Boyd, was not present for the discussion or vote.

File Number 2011-03733, Robert Hollendonner

Regarding **File Number 2011-03650, William D. Idoni**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Idoni. Mr. Johnson moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-730.C (Count 1). For this violation, Mr. Idoni agrees to pay the following monetary penalties: \$2,500.00 for the violation contained in Count 1; and \$150.00 in board costs, for a total monetary penalty of \$2,650.00. Ms. Stiles seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding board member, Mr. De León, was not present for the discussion or vote.

File Number 2011-03650, William D. Idoni

Regarding **File Number 2011-02386, Ronald Bourgault**, the Board 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 as well as the Section's recommendation. Mr. Johnson moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violations of the Board's regulations: 18VAC10-20-750.B (Count 1-two (2) violations); and 18VAC10-20-750.C (Count 2 – three (3) violations). Mr. Holt seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding Board member, Mr. De León was not present during the discussion or vote.

File Number 2011-02386, Ronald Bourgault

After Ms. Perkins indicated that there have been no prior disciplinary actions against Mr. Bourgault, Mr. LeMay moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: no monetary penalty for the violations contained in Count 1; \$150.00 each for the violations contained in Count 2; for a total monetary penalty of \$450.00. Ms. McIntyre seconded the motion which was

unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding Board member, Mr. De León was not present during the discussion or vote.

Regarding **File Number 2011-03305, Jerald Sumrell**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Sumrell. Mr. LeMay moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-750.C (Count 1). For this violation, Mr. Sumrell agrees to pay the following monetary penalties: \$150.00 for the violation contained in Count 1; and \$150.00 in Board costs, for a total monetary penalty of \$300.00. Mr. Crowther seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding board member, Mr. Johnson, was not present for the discussion or vote.

File Number 2011-03305, Jerald Sumrell

Regarding **File Number 2012-00715, Steven Howard Shaffer**, the Board members reviewed the Agreement for Licensure presented to Mr. Shaffer. Ms. Stiles moved to accept the Agreement for Licensure which states that the Board will renew Mr. Shaffer's license effective the date of the execution of this Agreement for Licensure (Agreement); Mr. Shaffer shall complete the sixteen (16) hours of required continuing education requirements as stated in 18 VAC 10-20-683 within six (6) months of the execution of this Agreement and shall submit proof of such completion within six (6) months of execution of this Agreement; and no continuing education credit given under this agreement may be used towards future continuing education renewal requirements. The Agreement must be executed by Mr. Shaffer and returned to the Board within thirty (30) days of receipt. Failure to comply with all aspects of the licensing agreement will result in automatic suspension of Mr. Shaffer's license until such time as there is complete satisfactory compliance. Mr. Good seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding Board member, Mr. Johnson, was not present for the discussion or vote.

File Number 2012-00715, Steven Howard Shaffer

Regarding **File Number 2012-00716, James K. Stangenberg**, the Board members reviewed the Agreement for Licensure presented to Mr. Stangenberg. Mr. LeMay moved to accept the Agreement for Licensure which states that the Board will grant Mr. Stangenberg's request to waive the Board's continuing education due to undue hardship, in part, and only to the following provisions: Mr. Stangenberg shall complete the sixteen (16) hours of required continuing education requirements as stated in 18 VAC 10-20-683 within six (6) months of the execution of this Agreement for Licensure (Agreement) and shall submit proof of such completion within six (6) months of execution of this Agreement; and no continuing education credit given under this agreement may be used towards future continuing education renewal requirements. The Agreement must be executed by Mr. Stangenberg

File Number 2012-00716, James K. Stangenberg

and returned to the Board within thirty (30) days of receipt. Failure to comply with all aspects of the licensing agreement will result in automatic suspension of Mr. Stangenberg's license until such time as there is complete satisfactory compliance. Mr. Holt seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding Board member, Mr. Johnson, was not present for the discussion or vote.

Regarding **File Number 2012-00973, George W. Lester**, the Board members reviewed the Agreement for Licensure presented to Mr. Lester. Ms. Stiles moved to accept the Agreement for Licensure which states that the Board will grant Mr. Lester's request to waive the Board's continuing education due to undue hardship, in part, and only to the following provisions: Mr. Lester shall complete the sixteen (16) hours of required continuing education requirements as stated in 18 VAC 10-20-683 within six (6) months of the execution of this Agreement for Licensure (Agreement) and shall submit proof of such completion within six (6) months of execution of this Agreement; and no continuing education credit given under this agreement may be used towards future continuing education renewal requirements. The Agreement must be executed by Mr. Lester and returned to the Board within thirty (30) days of receipt. Failure to comply with all aspects of the licensing agreement will result in automatic suspension of Mr. Lester's license until such time as there is complete satisfactory compliance. Mr. Combs seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding Board member, Mr. Johnson, was not present for the discussion or vote.

File Number 2012-00973, George W. Lester

Regarding **File Number 2012-00862, Frank Freeman III**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application, transcripts, exhibits, and the Summary of the Informal Fact-Finding Conference as well as the recommendation of the presiding Board member. Ms. Nosbisch informed the Board that the participant letter sent to Mr. Freeman erroneously stated that his case would be reviewed at the PE Section meeting; it should have stated the APELSCIDLA Board meeting. Mr. Freeman was advised of the correction. Ms. McIntyre moved to accept the recommendation of the presiding Board member and approve Mr. Freeman's application for reinstatement. The Continuing Education (CE) information submitted by Mr. Freeman was accepted by the Board as proving his completion of the CE Requirements for reinstatement. Ms. Stiles seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding board member, Mr. Johnson, was not present for the discussion or vote.

File Number 2012-00862, Frank Freeman III

Mr. Vargulic was present to address the Board. Mr. Vargulic stated that the IFF Summary was incorrect as written, the summary stated he attended the

File Number 2012-01384, David

conference via telephone, however he was in attendance at the conference.

Vargulic

Regarding **File Number 2012-01384, David Vargulic**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application, transcripts, exhibits, and the Summary of the Informal Fact-Finding Conference as well as the recommendation of the presiding board member. Ms. Nosbisch informed the Board that the participant letter sent to Mr. Vargulic erroneously stated that his case would be reviewed at the PE Section meeting; it should have stated the APELSCIDLA Board meeting. Mr. Vargulic was advised of the correction. For discussion purposes, Mr. Combs moved to accept the recommendation of the presiding Board member and deny Mr. Vargulic's comity application. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Leary, LeMay, McIntyre, Scherzer and Stiles.

Discussion was held on Mr. Vargulic's education background. Mr. Combs moved to remand the licensing case back to the Professional Engineer Section for further discussion and additional evaluation. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding board member, Mr. Johnson, was not present for the discussion or vote.

Mr. Vargulic verbally agreed to waive the 90-day decision requirement of the IFF, so that his comity application can be further reviewed by the PE Section.

Ms. Aouf was present to address the Board.

File Number 2012-01429, Linda Aouf

Regarding **File Number 2012-01429, Linda Aouf**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the recommendation of the presiding Board member. Ms. Nosbisch informed the Board that the participant letter sent to Ms. Aouf erroneously stated that her case would be reviewed at the PE Section meeting; it should have stated the APELSCIDLA Board meeting. Ms. Aouf was advised of the correction. Ms. McIntyre moved to accept the recommendation of the presiding Board member and approve Ms. Aouf's application for licensure as a Professional Engineer via comity. Ms. Finn seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding board member, Mr. Johnson, was not present for the discussion or vote.

Mr. Scherzer, Chair, recognized and welcomed former board members, Stanley Harris, PE and J. Everette (Ebo) Fauber III, Architect in the audience.

Welcome Former Board Members

Regarding **File Number 2012-00093, Erick B. Cooper**, the Board members

File Number 2012-

reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the recommendation of the presiding Board member. Ms. Nosbisch informed the Board that the participant letter sent to Mr. Cooper erroneously stated that his case would be reviewed at the PE Section meeting; it should have stated the APELSCIDLA Board meeting. Mr. Cooper was advised of the correction. Ms. Stiles moved to accept the recommendation of the presiding Board member and deny Mr. Cooper's application for a licensure as a Professional Engineer. Mr. Leary seconded the motion which was unanimously approved by members: Boyd, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding board member, Mr. Combs, was not present for the discussion or vote.

00093, Erick B. Cooper

Regarding **File Number 2012-00972, Donald A. Gardner, Jr.**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the recommendation of the presiding Board member. Ms. Nosbisch informed the Board that the participant letter sent to Mr. Gardner erroneously stated that his case would be reviewed at the PE Section meeting; it should have stated the APELSCIDLA Board meeting. Mr. Gardner was advised of the correction. Ms. Stiles moved to accept the recommendation of the presiding Board member to waive the examination requirement and approve Mr. Gardner's application for a licensure as a Professional Engineer via comity. Discussion was held on the examination requirements in place at the time of Mr. Gardner's original licensure. Mr. Johnson moved to reject the recommendation of the presiding board member and deny Mr. Gardner's request for waiver and application, and instead approve him to sit for the Fe and PE exams. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding board member, Mr. Combs, was not present for the discussion or vote.

File Number 2012-00972, Donald A. Gardner, Jr.

Regarding **File Number 2012-00055, Philip E. Badger, III**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the recommendation of the PE Section. Mr. De León moved to accept the recommendation of the presiding Board member and approve Mr. Badger's application for licensure as a Professional Engineer via comity. Ms. Stiles seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles. Ms. Kristen Clay, Hearing Officer, was the presiding officer.

File Number 2012-00055, Philip E. Badger III

After reviewing the application and Agreement for Registration, Ms. Stiles moved to accept the Agreement for Registration as seen and agreed to by

Agreement for Registration, Gupta

Gupta & Associates, Inc. Mr. Johnson seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles.

& Associates, Inc.

After reviewing the application and Agreement for Registration, Ms. Stiles moved to accept the Agreement for Registration as seen and agreed to by Downey Engineering Corporation. Mr. Johnson seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles.

**Agreement for
Registration, Downey
Engineering
Corporation**

Regarding File Number 2011-05757, Owen B. Yumang. Ms. Nosbisch informed the Board that Mr. Yumang sent correspondence regarding his licensure agreement prior to the June 16, 2011, board meeting, requesting to withdraw the agreement. As the correspondence was not received until after the board's vote, Ms. Nosbisch asked the Board to vacate the agreement. Mr. LeMay moved to vacate the licensing agreement. Mr. Crowther seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles.

**File Number 2011-
05757, Owen B.
Yumang, Vacate CE
Order**

Mr. Dixon explained that he was implementing the Director's Report to keep Boards informed of agency activities and issues. Mr. Dixon reported that the second release of the EAGLES licensing database was complete with few issues. He further reported that the agency website was undergoing enhancements to make it cleaner and more efficient, and projects the updated website to be complete the second quarter or 2012. In accordance with the Governor's initiative to assist veterans and active duty military return to the civilian work force, the agency is researching our database to compare military experience equivalents that can be used to satisfy licensure requirements.

Director's Report

Mr. Dixon provided information on his "stop the insanity" initiative, requesting staff offer suggestions and recommendations on streamlining processes, reducing redundancies and eliminating waste.

Mr. Dixon discussed the Governor's Reform Commission initiatives and budget cut proposals and how they could affect the agency and the APELSCIDLA Board. Mr. Dixon reminded the Board that, as appointees of the governor, they cannot speak on behalf of the Board in response to the legislative recommendations. Board members may speak as a member of the public.

Discussion was held on Executive Order #3, which will eliminate as much out-of-state travel as possible, unless critical to the mission of the Board. Mr. Dixon informed the Board that all out-of-state travel requests must be approved by the Secretary's office. Board members expressed concern that if unable to attend and participate in NCEES, NCARB, CLARB and NCIDQ meetings, Virginia will not have representation for important issues such as

exam content.

Mr. Dixon thanked the Board members for the time, expertise and effort they put into the Board and asked for any suggestions to help make their job easier.

The Board recessed from 11:15 a.m. until 11:25 a.m.

Recess

Board members and Certified Interior Designers, Cameron Stiles and Lorri Finn, provided a presentation entitled “A Day in the Life of a Certified Interior Designer.”

“A Day in the Life of a Certified Interior Designer” – Cameron Stiles and Lorri Finn

The Board recessed from 11:55 a.m. until 12:10 p.m.

Recess

Discussion was held on the proposed guidance document for comity licensure. Ms. Nosbisch provided comments made by the Architect, Land Surveyor and PE section members at their respective meetings. Ms. McIntyre moved to postpone the document for further review by the sections and full board. After more discussion, the Board agreed that there are still too many questions surrounding the document. Mr. Good made a motion to call the question. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles. The original motion by Ms. McIntyre was revisited and amended to also include further review of the guidance document by Board Counsel. Mr. Combs seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles.

Discussion of Proposed Guidance Document for Comity Licensure

Ms. Nosbisch shared comments made at the Architect, Land Surveyor and PE Section meetings, regarding the proposed guidance document on the use of protected professional titles. Board members reviewed a draft letter from Mr. Dixon to be sent to directors of other Virginia state agencies clarifying the board’s regulations, as they pertain to the use of professional titles. Mr. Dixon indicated that a letter from one agency head to others will begin an open dialogue between the various agencies and provide clarification. Ms. Nosbisch informed the Board that at the section meetings, the Architect Section agreed that the guidance document and the letter would be useful. The Land Surveyors and PE Sections thought Mr. Dixon’s letter would suffice.

Discussion of Proposed Guidance Document on Use of Protected Professional Titles

Mr. Combs moved to accept Mr. Dixon’s letter and not use the guidance document. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt,

Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles.

Discussion was on the proposed guidance document regarding an applicant's ability to speak and write English to the satisfaction of the Board. Ms. Nosbisch provided background on the need for the guidance document and comments from discussions at the Architect, Land Surveyor and Professional Engineer Section meetings. Mr. Jack stated that the purpose of a guidance document is to clarify vague regulations and feels this document may need review, that as written, it seems to contradict 18VAC10-20-55 which state that a TOEFL score is required from applicant's whose primary language is not English. Mr. Combs inquired as to who determines a person's primary language. Mr. Jack responded that the guidance document could clarify which applicants are considered to have English as their primary language, instead of proposing an 'alternative' to the TOEFL requirement. Mr. Johnson moved to have staff revise the guidance document to identify individuals deemed to have English as their primary language. Mr. Combs seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles.

Discussion of Proposed Guidance Document for Establishing Applicants Ability to Speak and Write English to the Satisfaction of the Board

Discussion was held on the definition of "consultation" as it relates to the practice of landscape architecture, architecture and professional engineering. Ms. Nosbisch provided information gleaned from the discussions of the Architect, Land Surveyor and Professional Engineers section meetings. The board agreed by consensus that: establishing whether services performed are "consulting" is a fact-based question to be determined on a case-by-case basis; and that the professional signing and sealing the plan, is ultimately responsible. If a professional signs and seals a plan that they did not have direct control and supervision of, the professional will be sanctioned appropriately by the Board. Unlicensed activity will be referred to the Attorney General's office and could be pursued civilly outside the Board's authority.

Discussion of Definition of "Consultation" as it Relates to the Practice of Landscape Architecture, Architecture and Engineering

Discussion was held on the proposed guidance document on onsite sewage systems designed by PE's and Onsite Soil Evaluators. Ms. Nosbisch informed the Board that the document had been reviewed at the PE Section meeting November 16, 2011, with the Section members amending the language as follows: addition of a statement to emphasize that systems include "both treatment and dispersal components" and further clarification in the document by adding "so long as the system meets all of the following criteria:"

Discussion of Proposed Guidance Document on Onsite Sewage Systems Designed by PE's and Onsite Soil Evaluators

1. Utilizes packaged equipment, such as equipment of catalogued standard design that has been coordinated and tested by the manufacturer, and complies with all applicable codes;
2. Produces a flow which is less than 1,000 gallons per day; and

3. The pump (if a pump is included) does not include multiple downhill runs, terminates at a positive elevational change; the discharge end is open and not pressurized; the static head does not exceed 50 feet; and the force main length does not exceed 500 feet.

with regards to systems designed by a licensed onsite soil evaluator and the exemption contained in §54.1-402.A.11.

Mr. Johnson moved to approve the guidance document as amended. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles.

Board members were provided a document with sanction ranges approved by the Board in 1999. Discussion was held on the board cost amount and when it was last adjusted. Mr. Courtney indicated that the Finance Department reviewed the costs approximately four years ago, and would likely be reviewed again soon.

Sanction Ranges

Ms. Stiles recommended adding non-monetary penalties to the information, such as probation, coursework, etc.

Mr. Scherzer moved to adopt the sanction guidelines with the addition of the non-monetary penalty information. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles.

Ms. Nobsch provided an update on the proposed regulations, which are currently in the Governor's office awaiting approval; they have been there 120 days. The Regulatory Review Committee will meet after the 60-day public comment period to finalize the regulations for Board approval.

Regulatory Review Update

Ms. Nobsch informed the Board that there was one comment made during the public comment period of the Periodic Regulatory Review. The Board reviewed the draft response. Ms. Stiles moved to approve the response drafted by staff. Mr. Crowther seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles.

Regulatory Periodic Review

Mr. LeMay moved to file a TH-07 and no further action will be taken on the regulations. Ms. Finn seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Finn, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles.

Ms. Nobsch provided a brief update on NCEES. The final pencil and paper FE and FS exams will be October 2013; computer-base testing will be implemented January 2014. Ms. Nobsch informed the Board of the NCEES Awards for 2011.

NCEES, NCARB, CLARB & NCIDQ Updates

Mr. Boyd provided an update in NCARB, stating that six schools of architecture received monetary awards from NCARB, although none of them were in Virginia. Mr. Boyd reported that the Region 2 meeting will be in March 2012.

Ms. Nosbisch stated that the CLARB Spring meeting will be February 2012, in Coral Gables, Florida.

Ms. Finn provided an update on NCIDQ reporting on her attendance at the NCIDQ Annual Conference November 11-12, In Alexandria, VA.

The Board members were provided a comprehensive report of enforcement activity since the last board meeting.

**Review of
Compliance and
Investigations
Division Activity**

The Board members were provided financial statements for informational purposes.

**Review of Board
Financial Statements**

Mr. Scherzer requested that a committee comprised of Mr. Boyd, Mr. Holt, Mr. Combs, Ms. Finn and himself, meet to draft a letter to the Governor regarding the travel limitations discussed by Mr. Dixon in his director's report. Mr. Scherzer asked Mr. Holt the committee. The committee will meet January 25, 2012, following the Architect Section meeting.

Other Business

Mr. Scherzer requested that staff research the DCR issue presented by Mr. Gwaltney during the public comment period.

Ms. Nosbisch congratulated Mr. Good on receiving the AIA Distinguished Service Award. Ms. Nosbisch reminded the Board of the new start times for the section and board meetings, and that the financial disclosure statements were due the end of December.

Ms. Nosbisch reported that the exam vendor RFP is available for bid. The proposals will be reviewed by herself, Sharon Sweet, Director of Exams and Education, Dawne Cooper, Procurement Officer, Mr. Johnson and Ms. McIntyre.

Ms. McIntyre asked that the Board discuss in the future, review of another professional's plans. For example, if plans were approved by a government entity and on file, years later the plans are reviewed by someone other than the original professional. Is this acceptable as the plans are public record? Ms. Nosbisch stated that the topic will be on the section meeting agendas, and the next full board meeting.

Conflict of Interest forms were completed by all board members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 2:00 p.m.

Adjourn

Andrew M. Scherzer III, Chair

Gordon N. Dixon, Secretary

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