

**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 February 7, 2011, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

**Architects**

James R. Boyd  
J. Everette Fauber III

**Professional Engineers**

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

**Land Surveyors**

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

**Interior Designers**

Lorri B. Finn  
Cameron C. Stiles

**Landscape Architects**

Vaughn B. Rinner  
Andrew M. Scherzer

Board member Michael F. LeMay was not present at the meeting.

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. Nosbisch, 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. Fauber, Chair, called the meeting to order at 9:13 a.m.

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

Mr. Fauber introduced new Board members, John Combs, of the Professional Engineers Section and Paul Holt, of the Land Surveyors Section, and welcomed them to the Board.

**Call to Order**

**Emergency  
Evacuation  
Procedures**

**Welcome &  
Introduction of New  
Board Members**

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

**Approval of Agenda**

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

**Approval of Minutes**

- August 25, 2010, Informal Fact-Finding Conference;
- September 15, 2010, APELSCIDLA Board Meeting;
- September 15, 2010, Informal Fact-Finding Conference;
- October 27, 2010, Architects Section Meeting;
- October 27, 2010, Regulatory Review Committee;
- November 17, 2010, Professional Engineers Section Meeting;
- November 17, 2010, Regulatory Review Committee;
- December 6, 2010, Regulatory Review Committee; and
- January 13, 2011, Informal Fact-Finding Conference.

Ms. Stiles seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

There was no public comment.

**Public Comment  
Period**

Regarding **File Number 2010-01087, Richard Morris**, 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. Boyd 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: 18VAC10-20-760.B.1; 18VAC10-20-760.B.3; and 18VAC10-20-760.B.4 (Count 1). Mr. Stephenson seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles. As the presiding Board member, Mr. Fauber was not present during the discussion or vote.

**File Number 2010-  
01087, Richard  
Morris**

After Ms. Perkins indicated that there have been no prior disciplinary actions against Mr. Morris, Ms. Stiles moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$250.00 for the first violation contained in Count 1; \$50.00 for the second violation contained in Count 1; and \$250.00 for the third violation contained in Count 1; for a total monetary penalty of \$550.00. Ms. McIntyre seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

Mr. Mullinax was present to address the board. Mr. Mullinax reviewed information that was presented at the IFF, and further explained the circumstances of disciplinary action taken against him in another state.

**File Number 2011-01390, Thomas Mullinax**

Regarding **File Number 2011-01390, Thomas Mullinax**, 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 recommendation of the presiding board member. Ms. Rinner moved to not accept the recommendation of the presiding board member and to remand the case back to the Architect Section for further discussion. The case would then be presented to the full board at the March 22, 2011 meeting. Ms. McIntyre seconded the motion which was unanimously approved by members: Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles. As the presiding Board member, Mr. Boyd, was not present during the discussion or vote.

Regarding **File Number 2010-04987, Rigoberto Sanchez**, 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. Mr. Johnson moved to accept the recommendation of the presiding Board member, and approve Mr. Sanchez's application for licensure as a Professional Engineer. Mr. Stephenson seconded the motion which was unanimously approved by members: Boyd, Combs, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles. As the presiding Board member, Mr. De León, was not present during the discussion or vote.

**File Number 2010-04987, Rigoberto Sanchez**

After reviewing the application and Agreement for Registration, Mr. Stephenson moved to accept the Agreement for Registration as seen and agreed to by Herrington Architects, PC. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

**Agreement for Registration, Herrington Architects, PC**

After reviewing the application and Agreement for Registration, Mr. Stephenson moved to accept the Agreement for Registration as seen and agreed to by Peachtree Protective Covers, Inc. Mr. Harris seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

**Agreement for Registration, Peachtree Protective Covers, Inc.**

Mr. Fauber read the following resolution from the APELSCIDLA Board presented to John McAden for his service as a board member.

**Resolution for John R. McAden**

RESOLUTION TO  
*John R. McAden*

WHEREAS, **John R. McAden** did faithfully and diligently serve as a member of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 2002 to 2010;

WHEREAS, **John R. McAden** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **John R. McAden** did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects this seventh day of February 2011, that **John R. McAden** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. McAden was present to accept the resolution and expressed his thanks to the board. Mr. Stephenson thanked Mr. McAden for his service to the board and to the Land Surveyor section.

The Board agreed by consensus to adopt the resolution.

The board recessed from 10:00 a.m. until 10:10 a.m.

The board members were provided with financial statements for informational purposes. Mr. Steve Arthur, Deputy Director for Finance and Administration, was present to address the board and answer any budgetary questions. Mr. Arthur also discussed how the agency and boards are funded, fee increases and decreases, how budgets are set by the Appropriations Act and funding for travel.

Mr. and Mrs. Stanley Harris arrived; Mr. Fauber read the following resolution

Recess

Review of Board  
Financial Statements

Resolution for

from the APELSCIDLA Board presented to Stanley Harris for his service as a board member.

**Stanley C. Harris**

RESOLUTION TO  
*Stanley C. Harris*

WHEREAS, **Stanley C. Harris** did faithfully and diligently serve as a member of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 2002 to 2010;

WHEREAS, **Stanley C. Harris** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Stanley C. Harris** did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects this seventh day of February 2011, that **Stanley Harris** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Harris accepted the resolution from Mr. Fauber. Mr. Johnson thanked Mr. Harris for his service to the board and to the Professional Engineers section.

The Board agreed by consensus to adopt the resolution.

Board members reviewed a draft letter to be sent to Mr. Bert Jones, of the Department of General Services, regarding concerns that the Architect Section has with current Capital Outlay procedures. Discussion was held on amending the draft letter.

**Correspondence to  
Bert Jones - DGS**

Ms. Finn moved to accept the letter as amended. Ms. McIntyre seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

The board reviewed a draft of the updated Resource Guide. Ms. Rinner moved to accept the Resource Guide as amended. Mr. Scherzer seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

**Resource Guide Review**

Discussion was held on the purpose and value of the document. Board members commented that the document was not user friendly and should be simplified. The board agreed by consensus to postpone further discussion until after the new regulations are in effect

The Board recessed from 11:45 a.m. until 12:12 p.m.

**Recess**

Ms. Nosbisch informed the Board of the process for rezoning from the NCEES Northeast Zone to the Southern Zone. She explained that she had written letters to all of the Zone presidents informing them of the board's rezoning efforts, so that it can be discussed at their respective Zone meetings. The Board will then to make a motion at the 2011 NCEES Annual meeting for NCEES to authorize a change to the bylaws. The action would then be assigned to the Special Committee on Bylaws. If approved, the rezoning would not be implemented until after the 2012 Annual Meeting.

**NCEES Update on Rezoning Virginia to the Southern Zone**

Ms. Nosbisch informed the Board that a motion was needed to elect a delegate funded by NCEES to the Northeast Zone Interim Meeting. Mr. Johnson moved to nominate Ms. Nosbisch as the funded delegate. Mr. De León seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

The Zone will also fund a delegate to attend the meeting. Mr. De León moved to nominate Mr. Johnson as the funded delegate. Mr. Stephenson seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

Mr. De León then moved to request travel authorization be submitted for Mr. Stephenson to attend the meeting as well. Ms. McIntyre seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

Mr. Johnson, Regulatory Review Committee Chair, informed the board that the Regulatory Review Committee met prior to the board meeting and reviewed staff responses to comments received on Town Hall regarding the NOIRA. Mr. Johnson moved to accept the responses. Ms. Stiles seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

**Regulatory Review Update**

Mr. Johnson stated that the Board will receive the proposed regulations electronically prior to the March 22, 2011, meeting for review and approval.

Ms. Nosbisch informed the Board that the motion for promulgating regulations for non-issuance of a temporary license at the September 15, 2010 meeting was unnecessary and needed to be rescinded. Mr. Boyd moved to rescind the motion for non-issuance of a temporary license. Ms. Johnson seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

Ms. Nosbisch informed the board of activity in the General Assembly that could affect the APELSCIDLA Board. HB2097- Errors and omissions insurance for Architects and Professional Engineers was passed by indefinitely. HB1974 - Proof of license before obtaining business permit for Architects and Professional Engineers looks like it will pass. Similar language for Contractors passed in the 2010 General Assembly session.

**General Assembly Update**

The board members were provided a comprehensive report of enforcement activity since the last board meeting. Mr. Nick Christner, Deputy Director for Compliance and Investigations, was present to address the board and answer questions regarding CID activity.

**Comprehensive Report of CID Activity**

Ms. Nosbisch informed the Board that Mr. Boyd received the distinguished Achievement Award from AIA and that Ms. Stiles was inducted into the College of Fellows of the American Society of Interior Designers.

**Other Business**

The Board reviewed a draft letter to Mr. Ken Walus, VDOT, regarding the VDOT's proposed guidelines of signing and sealing land development plans. Mr. De León moved to approve the letter as corrected. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

Mr. De León moved to grant 'emeritus status' to Stanley Harris. Mr. Johnson seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

Mr. Johnson moved to nominate Stanley Harris for any appropriate NCEES Zone or National award. Mr. Stephenson seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

Ms. McIntyre moved to nominate Mr. Boyd as the funded delegate to the NCARB Regional Meeting in March. Mr. De León seconded the motion which was unanimously approved by members: Boyd, Combs, De León, Fauber, Finn, Holt, Johnson, McIntyre, Rinner, Scherzer, Stephenson and Stiles.

Ms. Nobsch acknowledged National Engineers Week, February 20-26, National Surveying Week, March 20-26, National Architecture Week, April 11-17 and Landscape Architecture Month, the month of April. Ms. Nobsch designated the day APELSCIDLA Certified Interior Designer Day, as they do not have a nationally recognized day.

Board members reviewed a draft letter to Mr. Emory Rodgers, DHCD, written in response to correspondence received from Mr. Rodgers. The Board agreed by consensus to have Mr. Boyd revise the draft for review by the full board at the March 22, 2011 meeting.

Ms. Finn informed the Board that Ms. Stiles has been honored with the Keith Hooks Volunteer Excellence Award in recognition of her outstanding contributions to the Council for Interior Design Accreditation (CIDA).

Mr. Stephenson complimented Mr. Garofalo, APELSCIDLA Board Administrator, on his presentation on Board Rules and Regulations at the Virginia Association of Surveyors meeting.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest  
Forms**

There being no further business, the meeting was adjourned at 1:25 p.m.

**Adjourn**

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J. Everette Fauber III, Chair

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Gordon N. Dixon, Secretary