

**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 June 12, 2012, 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

Land Surveyors

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

Landscape Architects

A. Cabell Crowther
Andrew M. Scherzer

Professional Engineers

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

Interior Designers

Cameron C. Stiles

Board member Lorri Finn was not present for the meeting.

Staff present for all or part of the meeting were:

Gordon N. Dixon, Director
Mark 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 9:31 a.m.

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

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

Ms. Stiles moved to approve the minutes for the following meetings:

Call to Order

**Emergency
Evacuation
Procedures**

Approval of Agenda

Approval of Minutes

- APELSCIDLA Board Meeting, March 20, 2012;
- Informal Fact-Finding Conference, April 26, 2012;
- Informal Fact-Finding Conference, April 26, 2012;
- Informal Fact-Finding Conference, May 2, 2012;
- Informal Fact-Finding Conference, May 3, 2012;
- Architect Section Meeting, May 8, 2012; and
- Informal Fact-Finding Conference, May 30, 2012

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

Mr. M.E. Duff was present to address the Board. Mr. Duff is a retired land surveyor, and recommends the Board issue a certificate for retired professionals, as he has received such certificates from North Carolina, West Virginia and Maryland.

Public Comment
Period

Regarding **File Number 2012-02726**, Cynthia Grossmueller McClure, 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. McIntyre moved to accept the recommendation of the presiding Board member and approve Ms. McClure's application for certification as an Interior Designer. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Good, Holt, Johnson, Leary, LeMay, McIntyre, and Scherzer. As the presiding Board member, Ms. Stiles, was not present during the discussion or vote.

File Number 2012-
02726, Cynthia
Grossmueller
McClure

Ms. Fernandes was present to address the Board.

Regarding **File Number 2012-02725**, Elizabeth Stella Fernandes, 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. McIntyre moved to accept the recommendation of the presiding Board member and approve Ms. Fernandes' application for certification as an Interior Designer. Mr. Leary seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Good, Holt, Johnson, Leary, LeMay, McIntyre, and Scherzer. As the presiding Board member, Ms. Stiles, was not present during the discussion or vote.

File Number 2012-
02725, Elizabeth
Stella Fernandes

Mr. Charlton and Mr. William Tunner, counsel for Mr. Charlton, were present to address the Board.

File Number 2012-
01156, Abram C.
Charlton, Jr.

Regarding **File Number 2012-01156, Abram C. Charlton, Jr.**, the Board 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 the recommendation of the presiding officer. Discussion was held on a conditional licensing agreement. Mr. LeMay moved to reject the recommendation of the presiding officer, and approve Mr. Charlton's application for reinstatement of his PE license, provided Mr. Charlton agrees to and signs a licensing agreement. The agreement would include probation to run concurrent with his Virginia Alcohol Safety Action Program (VASAP) program. During the probationary period, Mr. Charlton must not test positive for drugs or alcohol, nor have any criminal convictions. Mr. Good seconded the motion which was approved by members: Boyd, Combs, Crowther, De León, Johnson, Good, Leary, LeMay, McIntyre, Scherzer and Stiles. Mr. Holt was opposed.

Mr. Vargulic was present to address the Board.

File Number 2012-01384, David C. Vargulic

Ms. Nosbisch asked the Board to consider vacating Mr. Vargulic's order from the March 20, 2012, board meeting, denying his application for licensure via comity, as correspondence regarding his licensing case was mailed to an incorrect address. Ms. McIntyre moved to vacate the order of the March 20, 2012, board meeting. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, 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 2012-01384, David Vargulic**, the Board members again 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, the recommendation of the presiding board member and the recommendation made by the PE Section at its February 15, 2012, meeting. After discussion, Mr. Combs moved to accept the recommendation made by the PE Section and approve Mr. Vargulic's application for licensure via comity. Mr. LeMay seconded the motion which was approved by members: Boyd, Combs, Crowther, De León, Good, Holt, Leary, LeMay, McIntyre, Scherzer and Stiles. Mr. Holt was opposed. As the presiding Board member, Mr. Johnson, was not present for the discussion or vote.

The Board recessed from 10:32 a.m. until 10:40 a.m.

Recess

Ms. Nosbisch provided background information for File Number 2012-00973. Mr. Lester is retired, in poor health, recently returned his license to the Board and has not practiced since 2008, but wishes to be eligible for PE emeritus status.

File Number 2012-00973, George W. Lester

Regarding **File Number 2012-00973, George W. Lester**, Board members reviewed correspondence from Mr. Lester regarding his licensing agreement from the December 15, 2011 APELSCIDLA Board meeting. The agreement waived, in part, continuing education (CE) hours required for renewal of his PE license, Mr. Lester was to complete eight (8) hours of CE. Mr. Lester

provided documentation for coursework, which was not approved. Mr. LeMay moved to amend Mr. Lester's licensing agreement, waiving the 16 hours of required CE, as long as Mr. Lester is not practicing engineering. Mr. De León seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, 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 2012-03164, Robert Denning Godfrey**, the Board members reviewed the Agreement for Licensure presented to Mr. Godfrey. Mr. Holt moved to accept the Agreement for Licensure which states that the Board will grant Mr. Godfrey's request to waive the Board's continuing education requirements for the reinstatement of his architect license due to undue hardship; no continuing education credit given under this agreement may be used towards future continuing education renewal requirements. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, 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 2012-03164, Robert Denning Godfrey

Regarding **File Number 2012-03284, Waverly G. Hampton, Jr.**, the Board members reviewed the Agreement for Licensure presented to Mr. Hampton. Mr. LeMay moved to accept the Agreement for Licensure which states that the Board will grant Mr. Hampton's request to waive, in part, the Board's continuing education requirements for the reinstatement of his Professional Engineer's license, due to undue hardship. Mr. Hampton shall complete sixteen (16) hours of continuing education for reinstatement as required in 18 VAC 10-20-683 within one (1) year from the date of execution of the order; and shall submit proof of such completion within thirty (30) days of the one (1) year deadline. No continuing education credit given under this order may be used towards the current or future continuing education renewal or reinstatement requirements. Mr. Leary seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, 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 2012-03284, Waverly G. Hampton, Jr.

Regarding **File Number 2012-02728, Joseph F. Fisher**, 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. Combs moved to accept the recommendation of the presiding Board member and approve Mr. Fisher's comity application for licensure as a Professional Engineer. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, 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 2012-02728, Joseph F. Fisher

Regarding **File Number 2012-02509, Christopher Ferrara**, the Board members reviewed the record of the Informal Fact-Finding Conference,

File Number 2012-02509, Christopher

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. McIntyre moved to accept the recommendation of the presiding Board member and approve Mr. Ferrara's application to sit for the Land Surveyor B examination. Mr. Crowther seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Good, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles. As the presiding Board member, Mr. Holt, was not present for the discussion or vote.

Ferrara

After reviewing the application and Agreement for Registration, Mr. Johnson moved to accept the Agreement for Registration as seen and agreed to by Glaus, Pyle, Schomer, Burns & DeHaven, Inc. Mr. Leary seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Good, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles.

Agreement for Registration, Glaus, Pyle, Schomer, Burns & DeHaven, Inc.

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

Agreement for Registration, Gulf Interstate Engineering Company

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

Agreement for Registration, BlueScope Construction, Inc.

The following meeting dates for 2013 were considered.

Consideration of 2013 Meeting Dates

APELSCIDLA Board

March 20
June 11
September 24
December 12

Professional Engineers Section

February 6 (with LS Section)
May 7
August 14 (with LS Section)
November 13

Architects Section

February 5
May 14
August 13
October 24

Landscape Architects Section

February 12
May 15
August 6
November 5

Land Surveyors Section

February 6 (with PE Section)
May 8
August 14 (with PE Section)
November 12

Interior Designers Section

February 12
May 15
August 6
November 5

Discussion was held on combining Section meetings and having a uniform start time. Mr. LeMay moved to establish a uniform start time of 9:30 a.m. for all Section and Board meetings, with Landscape Architects starting at 10:30 a.m. Mr. Holt seconded the motion which was approved by members: Boyd, Combs, Crowther, Holt, Johnson, Leary, LeMay, McIntyre, Scherzer and Stiles. Mr. De León and Mr. Good opposed.

Ms. Nosbisch provided an update on the exam RFP. Ms. Nosbisch reported only one bid was received. PCS was awarded the contract for 9/1/2012 through 8/31/2015, with two (2) one (1) year renewal options.

Board members were provided a list of suggested topics for the Strategic Planning Board Workshop, scheduled for September 14-15, 2012. Mr. Holt asked that 'comity language' be added to the list for discussion. Ms. McIntyre suggested having the required group training, such as Conflict of Interest Act Training, during the workshop. Ms. Nosbisch asked Board members to review the list and provide feedback. Board member agreed by consensus to holding the meeting from 9:30 to 4:30 on September 14 and 9:00 to 12:00 on September 15.

Mr. De León provided a presentation on "A Day in the Life of a Professional Engineer."

The Board recessed from 11:50 a.m. until 12:13 p.m.

Discussion was held on the proposed Guidance Document for Comity Licensure, and the differences between architect comity requirements and the other four professions. Mr. Scherzer asked that staff draft language for consideration in the course of regulatory review, making comity requirements for the other professions similar to the current architect comity requirements.

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

Ms. Brooks provided a report on the first audit of continuing education.

Mr. LeMay departed at 1:05 p.m. Prior to departure; Mr. LeMay thanked Mr. Boyd for his service to the Board, as his first term will end June 30, 2012.

Ms. Nosbisch informed the Board that a representative of VSPE requested the Board's opinion on pro bono work. Mr. Courtney remarked that there is no regulation which states a professional has to charge for their work. Discussion was held on the intent of pro bono work, with the Board agreeing that it is not in their purview to judge intent. Ms. Nosbisch stated that the

RFP Update

Strategic Planning Board Workshop

"A Day in the Life on a Professional Engineer" – Nico De León, PE

Recess

Discussion of Proposed Guidance Document for Comity Licensure

CE Audit Report

Departure of Mr. LeMay

Discussion on Pro Bono Work

board's regulations are silent on the subject. Mr. Jack informed the Board that the issue would best be reviewed on a case-by-case basis.

Ms. Nosbisch provided an update on the proposed regulations, which are currently in the Governor's office awaiting approval; they have been there 302 days.

Regulatory Review Update

Ms. Nosbisch reported that former Board member, Stanley Harris, PE, has been selected to receive the NCEES Distinguished Service Award with Special Commendation. Mr. Harris will be recognized and receive the award at the NCEES Annual meeting in St. Louis in August.

NCEES, NCARB, CLARB & NCIDQ Updates

Ms. Nosbisch further reported that she was asked to serve on the NCEES Mobility Task Force Committee, and also that NCEES would provide funding to the NCEES Annual meeting for one delegate and one first time attendee. Ms. McIntyre moved to nominate Ms. Nosbisch as the funded delegate, and Mr. Leary as the funded first time attendee. Mr. De León seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Good, Holt, Johnson, Leary, McIntyre, Scherzer and Stiles.

Ms. Nosbisch informed the Board that Mr. Boyd was elected NCARB Region 2 Vice-Chair/ Treasurer. Ms. Nosbisch, Mr. Boyd, Mr. Good and Mr. LeMay will all be attending the NCARB Annual meeting in Minneapolis, MN, June 20-23.

Mr. Boyd reported on the May 8, 2012, Architect Section meeting, which was attended by Michael Armstrong, NCARB CEO, and Kathy Hillegas, Director, NCARB Executive Office.

Mr. Scherzer reported that he was asked to participate in a panel discussion on deregulation at the CLARB Annual meeting in September.

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

Ms. Nosbisch thanked the Board for their help in streamlining board activities resulting in cost-savings.

Other Business

Mr. Combs requested a checklist item be added to the PE reinstatement application review sheet indicating "CE Complete."

Ms. Nosbisch provided an email received from Mr. Hamilton Palmer, Land Surveyor, regarding use of another professional's plans. Mr. Palmer asked if plans, that show another professional's design within the plan, require the seal of the first professional. The Board agreed by consensus that permission is needed, but the seal is not. Mr. Palmer's second question asked if a professional can show the sealed design of another professional on their plan, without the other professional's seal. The Board agreed by consensus that a professional can do this as long as the plan is noted with the appropriate permission.

Ms. Nosbisch read an email from board member Lorri Finn, as she was unable to attend the meeting. Ms. Finn thanked Ms. Stiles for her service to the Board and the Interior Design profession. Ms Stiles is completing her second four year term June 30, 2012.

Mr. Johnson thanked Mr. De León for his service to the Board, as he too will be completing his second four year term June 30, 2012.

Ms. Nosbisch informed the Board that according to the rotation policy, the vice-chair assumes the position of chair and then a board member from the next profession is elected vice-chair. The term begins July 1, 2012 and ends June 30, 2013. Mr. Johnson is the current vice chair, and the Interior Designers are the next profession in the rotation. Ms. Stiles moved to nominate Mr. Johnson as Chair and Ms. Finn as Vice-Chair. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, De León, Good, Holt, Johnson, Leary, McIntyre, Scherzer and Stiles.

Election of Officers

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 1:45 p.m.

Adjourn

Andrew M. Scherzer III, Chair

Gordon N. Dixon, Secretary