

PROFESSIONAL ENGINEERS SECTION MEETING

MINUTES

The Professional Engineers Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on February 12, 2008, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

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

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Saba L. Shami, Deputy Director
Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Michelle Gowen, Administrative Assistant
Victoria S. Traylor, Legal Analyst
Sheree Dean, Office Manager

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

Mr. Johnson, Chair, called the meeting to order at 9:03 a.m.

Call to Order

Mr. Harris moved to approve the agenda. Mr. De León seconded the motion which was unanimously approved by members: De León, Harris, and Johnson.

Approval of Agenda

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

Introduction of Saba L. Shami

Mr. DeBoer informed the Section members that Karen W. O'Neal has retired from the agency and taking her position as Deputy Director of the Licensing and Regulation Division would be Mark N. Courtney.

Introduction of New Deputy Director of Licensing and Regulation Division

There were no comments made to the Section members.

Public Comment Period

Robert Naftel, Esquire, and Peter R. Seckinger, Respondent, were present to address the Section. Mr. Naftel disclosed to the Section members that he is the respondent's brother-in-law. Mr. Naftel thanked the Section for

File Number 2007-04858, Peter R. Seckinger

allowing them time to speak and noted that Mr. Seckinger's conviction does not affect his abilities to perform his duties as a professional engineer. Mr. Naftel informed that Section that Mr. Seckinger has been going to counseling as ordered by Fairfax County and also attending two to three more sessions per week than required. Mr. Seckinger noted that he is on the 9th step of his 12 step program. In addition, he has been appointed treasurer of his group which is a position of trust and he hoped that the Section would take this into consideration when reviewing this matter. Mr. Seckinger stated that he is humbly requesting that the Board grant him the opportunity to continue to support his family by allowing him to continue with the practice of engineering.

Regarding **File Number 2007-04858, Peter R. Seckinger**, the Section 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, and the presentation by Mr. Naftel and Mr. Seckinger. Mr. De León 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. Mr. Johnson seconded the motion which was unanimously approved by members: De León and Johnson.

After Ms. Traylor indicated that there have been no prior disciplinary actions against Mr. Seckinger, Mr. De León 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.

Mr. Johnson seconded the motion which was unanimously approved by members: De León and Johnson

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

Mr. Johnson turned the position of Chair over to Mr. De León and recused himself from the meeting.

Transfer of Chair

Thomas Zannino of Zannino Engineering, Inc., was present to address the Section. Mr. Zannino stated that he has been an engineer since 1979 and has never had any violations, nor has his firm. Mr. Zannino stated that he disagrees with the conclusion that their engineer in training was not properly supervised, that at no time was an engineer-in-training allowed to work unsupervised. There were underlying reasons the wall separated from the foundation; lack of attention to detail was not one of the reasons. Mr. Courtney asked Mr. Zannino if his firm wished to voluntarily enter into the Consent Order even though he did not agree with the conclusion. Mr. Zannino stated that his firm would accept the Consent Order as written.

File Number 2007-03466, Zannino Engineering, Inc.

Regarding **File Number 2007-03466, Zannino Engineering, Inc.**, the Section members reviewed the Consent Order as seen and agreed to by Zannino Engineering, Inc. Mr. Harris made a motion to recommend that the Board 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. Ms. De León seconded the motion which was unanimously approved by members: De León and Harris.

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

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

Transfer of Chair

The Section members were provided with various memorandums and notices from NCEES and ABET.

Review of Information from NCEES and ABET

Mr. Courtney also informed the Section members that there are strict travel restrictions in place for state agencies and that travel may not be authorized for the upcoming NCEES NE Zone meeting in April.

The Section members took a break from 9:35 a.m. to 9:50 a.m.

Break

The Section members discussed “related science” degrees specifically *construction management* and *building construction* degree programs. By consensus, the Section members agreed that these degree programs have

Discussion of Application Review

been, and will continue to be, evaluated on a case-by-case basis to determine if they contain adequate science and math coursework to qualify as a “related science” degree program. If such degree programs are EAC accredited by ABET, they will be considered as an approved engineering curriculum. As part of the discussion, the Section members reviewed the Professional Engineers Section meeting minutes from February 7, 2001, where they approved the Building Construction degree program at Virginia Tech as a “related science”; and the APELSCIDLA Board meeting minutes from December 12, 2006, where the Board approved the Construction Engineering and Management degree program at Virginia Tech as an approved engineering curriculum.

Mr. Courtney informed the Section members that the engineer experience verification form needs to be changed so all references to “Verifier” are changed to “Supervisor”. The Section members agreed by consensus that this change needs to be made.

Mr. Courtney noted that the engineer application states that only one reference is required when an NCEES record is submitted; however, the Board regulations state that three are required. The Section members agreed by consensus that the application should not state that only one reference is required to be submitted with an NCEES record.

Mr. Courtney informed the Section members that there will be two public hearings at the upcoming March 19th Board meeting. The first will be for the unbundling of the ARE and IDP, and the second will be for the proposed continuing education regulations.

Conflict of Interest forms were completed by all members present.

There being no further business, the meeting was adjourned at 10:42 a.m.

Other Business

**Conflict of Interest
Forms**

Adjourn

Wiley V. Johnson, III, Chair

Jay W. DeBoer, Secretary