

## 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 May 13, 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  
Earlyne Perkins, Legal Analyst

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

Mr. Johnson, Chair, called the meeting to order at 9:02 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**

There were no comments made to the Section members.

**Public Comment  
Period**

Mr. Randall was present to address the Section and admit that he did sign and seal the plans in question that were prepared by a designer who was not under written contract. Mr. Randall noted that he reviewed the plans, the designer then corrected the plans per his instructions, and then he sealed the plans.

**File Number 2008-  
02987, Daniel J.  
Randall**

Regarding **File Number 2008-02987, Daniel J. Randall**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Randall, and the presentation by Mr. Randall. Mr. Harris moved to recommend that the Board accept the Consent Order which cites a violation of 18 VAC 10-20-760.A of the Board's regulations. For this violation Mr. Randall 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. Mr. Johnson seconded the motion

which was unanimously approved by members: Harris and Johnson. As the reviewing Board member, Mr. De León was not present during the presentation, discussion or vote.

Mr. Ruby was present to address the Section. Mr. Ruby stated that he has a BS in Architecture from University of Maryland with three years of work experience in the field of architecture. Mr. Ruby noted that he expected to get his MS in engineering and have it count as his first professional degree for licensure as a PE (as it would towards licensure as an architect). Mr. Ruby believes his combination of education should be considered as a related science.

**File Number 2008-03235, Daniel Ruby**

Regarding **File Number 2008-03235, Daniel Ruby**, the Section 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 presentation of Mr. Ruby. Mr. De León moved to recommend that the Board accept the Summary and Recommendation as written and approve Mr. Ruby's application 18 VAC 10-20-210.3 as a non-approved engineering degree of 4 years or more and that Ruby be allowed to sit for the Professional Engineers exam after he has successfully obtained one (1) additional year of progressive engineering experience for a total of six (6) years. 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 discussion or vote.

Regarding **File Number 2008-00846, Suresh R. Baral**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Baral. Mr. De León made a motion to recommend that the Board accept the Consent Order which cites the following violations of the Board's regulations: 18 VAC 10-20-740.D (Count 1); 18 VAC 10-20-760.B.1 (Count 2); 18 VAC 10-20-760.A (Count 3); 18 VAC 10-20-770 (Count 4); and 18 VAC 10-20-700.A (Count 5). For these violations, Mr. Baral agrees to the following monetary penalties: \$500.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; \$00.00 for the violation contained in Count 3; \$500.00 for the violation contained in Count 4; and \$500.00 for the violation contained in Count 5; as well as \$150.00 in Board costs for a total monetary penalty of \$2,650.00. Ms. Johnson seconded the motion which was unanimously approved by members: De León and Johnson.

**File Number 2008-00846, Suresh R. Baral**

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

Mr. Harris gave a brief overview of some of the topics discussed at the NCEES NE Zone meeting: the BS+30 and what constitutes the 30 hours; the 2007 NCEES Annual Meeting where there is needed work with ABET to improve the relationship and stop the trend in lowering the requirements for an engineering degree; the national identification number for exams and practice exams; a 60 day advance notice to identify for voting delegates who will be attending the annual meeting; licensees offering services via business cards; combining the by-laws with the constitution; and electronic applications via NCEES' website were also discussed. The meeting attendees talked about the structure and the governance of the NCEES membership as the land surveyor population is 9% and the professional engineer membership is 91%.

**Report from NCEES  
NE Zone Meeting**

The Section members were provided with an e-mail from Dick Cottingham regarding the professional practice examinations as well as a letter from Perry Schweiss, President of ASHE, regarding the changes to the licensure requirements made in the NCEES Model Law.

**Discussion of  
Professional Practice  
Exam**

The Section members were provided with a handout of questions regarding "Board approved" graduate degrees. After review and discussion, the Section members agreed by consensus that one year will not be granted for an ABET accredited graduate degree; that experience will begin to be counted at the date of graduation from the degree program which is being used to satisfy the education requirement; graduate research/teaching assistant experience will not apply as qualifying experience; and also that CPEES evaluated degrees, if found to be equivalent to an ABET engineering degree, will be considered as a non-approved engineering degree.

**Discussion of Board  
Approved Graduate  
Degrees**

Mr. De León nominated Mr. Harris as Chair of the Professional Engineers Section for a term beginning July 1, 2008, and ending June 31, 2009. Mr. Johnson seconded the motion which was unanimously approved by members: De León and Johnson. Mr. Harris abstained from the vote.

**Election of Officers**

Mr. Courtney and Mr. DeBoer gave a brief overview of the new licensing system the Department plans to implement in June 2008. After discussion, it was agreed to accept on-line application through the new licensing system as soon as possible.

**Discussion of New  
Licensing System**

The Section members were provided with a handout regarding *Record Drawings* from the Division of Engineering and Buildings of the Department of General Services. The Section members concurred with the changes suggested by the Architects Section and suggested that appropriate disclaimer language be developed and it be clearly stated that such drawings are not permitted to be sealed by a licensee of the Board. After further discussion, the Section members recommended that DEB accept the signature of the contractor on the as-built record drawings and not require

**Discussion of Record  
Drawings**

the architect or professional engineer to sign the as-built record drawings when they did not supervise and control the work of the contractor (as required by regulation 18 VAC 10-20-760.A).

After review and discussion, the Section members agreed that there is no problem with a land surveyor sealing plans with a manufactured BMP as long as the manufactured BMP is sealed by a Virginia professional engineer on a per-project, site-specific basis.

**Discussion of Use of Land Surveyors Seal for Preparation of Plans which Include BMP's**

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

**Review of Information from NCEES and ABET**

The Section members took a break from 11:35 a.m. to 11:40 a.m.

**Break**

Mr. Courtney informed the Section members that the Department is in the process of interviewing for his replacement as the Executive Director of the APELSCIDLA Board.

**Other Business**

Mr. Johnson discussed a recent situation where a contractor used the work of a professional engineer from one project for another project without the knowledge of the professional engineer.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest Forms**

There being no further business, the meeting was adjourned at 11:54 a.m.

**Adjourn**

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Wiley V. Johnson, III, Chair

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Jay W. DeBoer, Secretary