

1 COMMONWEALTH OF VIRGINIA
2 DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL
3 REGULATION
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13 IN RE: PUBLIC HEARING ON PROPOSED
14 CONTINUING EDUCATION REGULATIONS
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17 HEARD BEFORE: STANLEY C. HARRIS
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31 MARCH 19TH, 2008
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33 SECOND FLOOR CONFERENCE ROOM
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35 9960 MAYLAND DRIVE
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37 RICHMOND, VIRGINIA 23233
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39 9:32 A.M.
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1 APPEARANCES:

2 Stanley C. Harris, Board Chairman, Presiding
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5 APELSCIDLA BOARD:

6 John Seth Clark, Jr., Board Member
78 J. Everette Fauber, III, Board Member
910 Kenneth A. Schwartz, Board Member
1112 Nico De Leon, Board Member
1314 Wiley V. Johnson, III, Board Member
1516 Nancy E. McIntyre, Board Member
1718 W. R. Stephenson, Jr., Board Member
1920 Vaughn B. Rinner, Board Member
2122 William H. Spell, Board Member
2324 Lorri B. Finn, Board Member
2526 Cameron C. Stiles, Board Member
2728 Steven P. Jack, APELSCIDLA Board Counsel
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33 DPOR STAFF:

34 Jay W. DeBoer, Director DPOR
3536 Saba L. Shami, Deputy Director DPOR
3738 Mark N. Courtney, Executive Director
3940 Marian H. Brooks, Program Administrator
4142 Michelle Gowen, Administrative Assistant
4344 Earlyne Perkins, Legal Analyst
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ALSO PRESENT:

Frank Richardson, II

Russ Wood

Craig S. Moore

David Dent

David Kidd

Brian Snyder

Nancy Israel

Duncan Abernathy

1 (The public hearing commenced at 9:32 a.m.)

2

3 MR. HARRIS: Good morning, ladies and
4 gentlemen. I am Stanley C. Harris, and I am
5 the Chairman of the Board for Architects,
6 Professional Engineers, Land Surveyors,
7 Certified Interior Designers and Landscape
8 Architects.

9 This is a public hearing held at
10 the Department of Professional and Occupational
11 Regulation, 9960 Mayland Drive, Richmond,
12 Virginia.

13 This hearing is being held
14 pursuant to §2.2-4007 for the Administrative
15 Process Act of the Code of Virginia for the
16 purpose of receiving public comment on the
17 Board's proposed regulations published in the
18 Virginia Register on Monday, March 3, 2008, to
19 implement a mandatory continuing education
20 program for architects, professional engineers
21 and land surveyors.

22 Please note that the General
23 Assembly, through House Bill 1054 from the 2006
24 Session, has mandated that the Board implement
25 this program — as such, the Board has no

1 discretion whether to implement a mandatory
2 continuing education program — only regarding
3 the details of how to implement the program in
4 accordance with the law.

5 The list of interested parties and
6 organizations which were notified of this
7 process and invited to comment is available
8 upon written request.

9 The staff of the Department of
10 Professional and Occupational Regulation will
11 prepare a report of all public comment received
12 which will be presented to the Board for
13 consideration of any revisions to the proposed
14 regulations. Allow me to introduce the members
15 of the APELS Board at this time. I'd like the
16 Board members to introduce themselves.

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18 MR. CLARK: Jack Clark, Architects'
19 Section.

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21 MR. FAUBER: Ebo Fauber, Architects'
22 Section.

23
24 MR. SCHWARTZ: Ken Schwartz,
25 Architects' Section.

1 MS. RINNER: Vaughn Rinner, Landscape
2 Architects.

3

4 MR. SPELL: Bill Spell, Landscape
5 Architects.

6

7 MS. MCINTYRE: Nancy McIntyre, Land
8 Surveyors' Section.

9

10 MR. STEPHENSON: Steve Stephenson,
11 Land Surveyors' Section.

12

13 MR. DE LEON: Nico De Leon, Engineers'
14 Section.

15

16 MR. JOHNSON: Ned Johnson, Engineers'
17 Section.

18

19 MS. STILES: Cameron Stiles, Interior
20 Design Section.

21

22 MS. FINN: Lorri Finn, Interior
23 Design.

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25 MR. HARRIS: I already introduced

1 myself, I'm Stanley Harris. Now I'd like to
2 present the rules for this public hearing.
3 Comments will be received from any member of
4 the public, and initial comments will be
5 limited to a maximum of five minutes depending
6 on the number of individuals who wish to speak.

7 If you have not signed up for —
8 up to speak and you wish to give testimony
9 today, please sign your name on the sign-up
10 sheet at this time. Board members may ask
11 speakers questions or to clarify statements.

12 However, this is not a proper
13 forum for questions to the Board. If you have
14 a question for the Board, please forward them
15 in writing to the Board.

16 Any speaker who wishes to provide
17 a written statement in addition to his oral
18 testimony or in lieu of oral testimony may do
19 so until Friday, May 2nd, 2008.

20
21 MR. COURTNEY: Mr. Chairman, I have
22 the sign-up sheet. And we will just do it in
23 the order that people have signed up. And on
24 the first pass, we will go with the people who
25 indicated they do wish to address the Board.

1 So the first one is Frank R. Richardson. If
2 you could, please, come up to the table. And
3 again, we will be using the light box. When
4 the green light comes on, you will have five
5 minutes.

6 When the yellow light comes on,
7 you've only got one minute remaining. And when
8 the red light comes on, your time is up.

9
10 MR. RICHARDSON: Good morning,
11 everyone. My name is Frank Richardson. I'm a
12 licensed land surveyor in Virginia. I was
13 licensed in 1991. I've been involved in land
14 surveying since the early '80's.

15 And I'm officer of a firm here in
16 the City of Richmond. I'm here representing
17 the Virginia Association of Surveyors. I'm the
18 education committee chairman for the
19 association, and have been so for the last
20 eight years.

21 I'm here today to tell the Board
22 on personal behalf — benefit that I am full
23 approval of the continuing education bill. And
24 I stand behind it 100%. I'm also here to
25 represent the Virginia Association and say as

1 an association we approve this. Our general
2 membership approved it. And we still stand
3 behind it 100%. I do have a couple of small
4 issues with some of the wording in the
5 regulations.

6 And my — I've made that known to
7 the committee here, the APELS education
8 committee that the Board approved to write
9 regulations. They know my issues.

10 But I'm just here to let everyone
11 know that myself and the Virginia Association
12 of Surveyors are behind this — behind these
13 regulations 100%. Thank you.

14
15 MR. COURTNEY: Next Mr. Chairman, we
16 have Craig S. Moore.

17
18 MR. MOORE: My name is Craig Moore.
19 And I'm here — I do support the CEU's. I
20 think it is a — or will be helpful. However,
21 there are some concerns that I just wanted to
22 — to list some of the things that seem
23 potentially to be overlooked as qualifying
24 credits. One of them would be myself, I've
25 taught surveying at Virginia Tech for about

1 four years. Worked there teaching other
2 courses in a part time capacity. And
3 continuing education credit is given to authors
4 of journal papers.

5 You have professors that are
6 learning new technology and submitting journal
7 papers, but not necessarily will they receive
8 any credit for that time put forward to that.

9 Also another consideration for
10 continuing education credits for being a member
11 of a professional organization. Some people do
12 sort of just take their professional membership
13 lackadaisical.

14 But others actually are involved
15 and read the articles that their professional
16 organization submits. I know the American
17 Society of Photogrammetry and Remote Sensing
18 produces some very nice journal articles.

19 And reading those, I know that I
20 have spent probably several hours over a year
21 reading that. Is that equivalent to going to a
22 class? I don't know, but I do think some
23 credit should be given to that. Another thing,
24 back with professors. You have advisors on
25 committees that are licensed professionals.

1 And they're actually learning and engaging the
2 students above and beyond what a person just
3 practicing possibly engineering would be doing.
4 What about credit for the new technology and
5 things that they gain there to help better
6 build self.

7 So possibly credit for being an
8 advisor on thesis and dissertations. Also
9 another issue that I've seen is a lack of
10 understanding of the regulations.

11 I really think something needs to
12 be put into the continuing education that
13 requires a certain number of credits per two
14 years that deal with the regulations.

15 Something maybe that the Board
16 could provide online similar to the regulations
17 requirements that are done now when you submit
18 your application that you need to — I can't
19 remember how many questions it is.

20 Something that was submitted — or
21 required here recently when you submit your
22 application. And another issue, if a
23 organization has said that they have a
24 pre-defined 1.4 CEU's such as ASCE on attending
25 one of their workshops and it's a three-day

1 workshop, will the 50 minute criteria kick in.
2 Or will the 1.4 CEU's count toward? Which
3 would you look at? That's about a \$1200.00 or
4 \$1300.00 course.

5 It goes over three days so it
6 could be 24 hours. Or ASCE has defined it as
7 1.4 CEU's. The other thing, you mentioned in
8 there developing a new course. When I was
9 teaching, I definitely — I added new content
10 to my course periodically.

11 I developed a whole new course.
12 There should potentially some way in there to
13 allow professors to account for that additional
14 work and the new technology that they've
15 integrated into their course. Also having done
16 book reviews, not as my day job, but as a side
17 job on surveying and looking at new
18 technologies there.

19 Shouldn't there be consideration
20 given for reviewing and learning and reading
21 and proof-reading and being an editor of that
22 new technology that's going into a book, a new
23 section. You know, is that worthy of one CEU?
24 So those are some of the points that I just
25 wanted to bring forward. Thank you for your

1 time.

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MR. COURTNEY: Next on the list we
4 have David Dent.

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MR. DENT: Mr. Chairman, members of
the Board. I appreciate the opportunity to be
here. My name is David Dent from Blacksburg,
Virginia. I'm a professional engineer. And
I'm here for no affiliation, just for personal
note on the continuing education.

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I definitely am in agreement with
the continuing education requirement. I don't
believe I can add more than what Mr. Moore's
already added about some of the issues that
still may be there.

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I have a couple of things I just
wanted to touch on and possibly recommend, if I
may be so bold, to the Board is to have some
sort of liaison with the Board that we can
contact to make sure that the course we're
taking — spending money for — is an approved
course.

24

25

And also to make sure, as
Mr. Moore touched on, to make sure that the

1 CEU's or the professional development hours
2 they're proposing actually meets what the Board
3 requires for a single CEU.

4 As a state employee for the
5 Commonwealth, it's important with the State
6 budget cuts if our employers paying for our
7 continuing education, to make sure we know that
8 the money we're requesting definitely will go
9 towards the continuing education for the
10 renewal of our license versus paying possibly
11 \$1000.00 or \$2000.00 for a course that possibly
12 will not meet the criteria set by the Board.

13 That's why I think it's important
14 to have some type of liaison and also possibly
15 an approved listing that's possibly on the web
16 site that you can reference, like whether it's
17 with ASCE or MSCE or so on and so forth.

18 To make sure we're doing the right
19 thing to meet the objective. And the last
20 thing I want to touch on is — I'm in agreement
21 with Mr. Moore's as well.

22 I think something that would be
23 nice to add into the requirement for meeting
24 the 16 CEU's before renewal is to have
25 something in there about the body — having a

1 body of knowledge for the regulations. Because
2 I know in talking to some other colleagues and
3 professionals, there are some points that it
4 seems subjective to them.

5 To me, it's pretty cut and dry.
6 But I think it would be good holistically to
7 have the profession, as a whole, to understand
8 and make sure they know the regulations and how
9 they apply. Other than that, that's all I
10 have. And I appreciate your time. Thank you.

11
12 MR. COURTNEY: Mr. Chairman, those
13 three individuals are the ones who indicated
14 they wished to speak. What I'd like to do is
15 go back to those people who indicated they did
16 not wish to speak, if they have now change
17 their minds. The first one is Russ Wood.

18
19 MR. WOOD: No.

20
21 MR. COURTNEY: Okay. Next is David
22 Kidd.

23
24 MR. KIDD: No, thank you.

1 MR. COURTNEY: Brian Snyder.

2

3 MR. SNYDER: No, thank you.

4

5 MR. COURTNEY: Nancy Israel.

6

7 MS. ISRAEL: No.

8

9 MR. COURTNEY: And last but not least,
10 Duncan Abernathy.

11

12 MR. ABERNATHY: No, I'm fine. Thank
13 you.

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15 MR. COURTNEY: Mr. Chairman.

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17 MR. HARRIS: Thank you for your
18 comments today. The record of the public
19 hearing will be kept open until Friday, May
20 2nd, 2008, and written comments will be
21 accepted through 5:00 p.m. that day. This
22 hearing is now closed.

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24 (The public hearing concluded at 9:47 a.m.)

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CERTIFICATE OF COURT REPORTER

I, Debroah D. Carter, hereby certify that I was the Court Reporter at the APELSCIDLA Public Hearing regarding PROPOSED REGULATIONS FOR CONTINUING EDUCATION, heard in the City of Richmond, Virginia, on March 19th, 2008, at the time of the public hearing herein.

I further certify that the foregoing transcript is a true and accurate record of the testimony and other incidents of the public hearing herein.

Given under my hand this 26th day of March, 2008.

Debroah D. Carter, CCR
Virginia Certified
Court Reporter

My certification expires June 30, 2008.