

**PROFESSIONAL ENGINEERS & LAND SURVEYORS
SECTION MEETING**

MINUTES

The Professional Engineer and Land Surveyor Sections of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on August 16, 2012, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

John L. Combs (PE)
A. Cabell Crowther (Landscape Architect)
Nico De León (PE)
Wiley V. Johnson, III (PE)
Patrick D. Leary (LS)
Nancy McIntyre (LS)

Board member Paul deC. Holt, Jr. was not present for the meeting.

Board staff present for all or part of the meeting were:

Kathleen (Kate) R. Nosbisch, Executive Director
Marian Brooks, Board Administrator
Justin Garofalo, Board Administrator
Amy Goobic, Administrative Assistant

Agency staff present for all or part of the meeting were:

Mark N. Courtney, Senior Director, Regulatory & Public Affairs
Kristin Clay, Legal Analyst

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

Mr. Johnson, Chair, called the meeting to order at 9:07 a.m.

Call to Order

Mr. Johnson reviewed the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Mr. Johnson welcomed Cabell Crowther, Landscape Architect and APELSCIDLA Board member, and Nico De León, PE, who was in attendance as his seat on the board has yet to be filled. Mr. Johnson also welcomed guests from the Washington, DC Department of Consumer & Regulatory Affairs, Clifford Cookes, Leon Lewis, Kevin Cyrus and S.J. Brown. The gentlemen from DC were in attendance to observe a "paperless" meeting.

**Welcome of Board
Members & Guests**

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

**Approval of
Agenda**

Mr. Stephen Bowman was present to address the Sections. Mr. Bowman is a PE and expressed concerns regarding the procurement of Arc Flash Analysis by localities, asserted that many localities do not consider this a professional service. Mr. Bowman stated that arc flash analysis is engineering, and will be available to answer questions during the discussion of agenda item # 9.

Public Comment Period

Mr. Walt Crockett, City Surveyor for Hampton was present to address the Sections, stating that he was available for questions during the discussion of agenda item #11 - Clarification from City of Hampton Regarding Sections of 18VAC10-20-370.

Mr. Reed Adams, VDOT State Survey Manager, was present to address the Sections, stating that he was present for the discussion of agenda item # 10 - VDOT Request for Clarification on Survey Documents Requiring Signature & Seal.

Regarding **File Number 2012-00537, Dennis Daryl Willis**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Willis. The Section concurred with the recommendation of the presiding Board member. Mr. De León moved to recommend the Board accept the Consent Order which cites the following violations of the Board's regulations: 18VAC10-20-790.A.7 (Count 1); 18VAC10-20-370.A (Count 2); 18VAC10-20-370.D.1 (Count 3); 18VAC10-20-370.C.4 (Count 4); 18VAC10-20-370.D.2 (Count 5); 18VAC10-20-740.F (Count 6); and 18VAC10-20-760.B.2; (Count 7) For these violations, Mr. Willis agrees to pay the following monetary penalties: \$500 for the violation contained in Count 1; \$300 for the violation contained in Count 2; \$250 for the violation contained in Count 3; \$250 for the violation contained in Count 4; \$250 for the violation contained in Count 5; \$250 for the violation contained in Count 6; \$200 for the violation contained in Count 7; and Board costs in the amount of \$150.00, for a total of \$2,150.00. In addition, Mr. Willis agrees to complete at least four (4) classroom hours of continuing education pertaining to ethics and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of the order. Mr. Combs seconded the motion which was unanimously approved by members: De León and Combs. As the presiding board member, Mr. Johnson was not present for the discussion or vote.

File Number 2012-00537, Dennis Daryl Willis

Ms. Cacace was present to address the Section.

Regarding **File Number 2012-00175, Deborah A. Cacace**, the section the section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference. Mr. De León recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violation of the Board's regulations: 18VAC10-20-790.A.3 (Count 1); there was a finding of no

File Number 2012-00175, Deborah A. Cacace

violation on Count 2. Mr. Johnson seconded the motion which was unanimously approved by members: De León and Johnson.

Ms. Clay informed the section that Ms. Cacace had no prior violations. Mr. De León moved to recommend that the Board accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$2,500 for the violation contained in Count 1; probation of one year; and 2 hours of continuing education coursework in ethics and provide proof of attendance and successful completion within six (6) months of the effective date of the order.. Mr. Johnson seconded the motion which was unanimously approved by members: De León and Johnson. As the presiding Board member, Mr. Combs was not present during the presentation, discussion or vote.

Section members reviewed minutes on the topic of value engineering and use of another professional's plans from the February 15, 2012, PE Section meeting, the February 16, 2012, LS Section meeting and the March 20, 2012 APELSCIDLA Board meeting. Ms. Nosbisch explained that the Architect Section had had the opportunity to discuss prior to the full board meeting in March. At their July 24, 2012, section meeting, the Architect's recommended amending the motion made at the June 12 APELSCIDLA Board meeting regarding value engineering and use of another professional's plans. After discussion, the sections agreed by consensus to add the language recommended by the Architect section: "...however any changes would need permission from the 'owner' and the changes must be completed under the direct control and supervision of an appropriately licensed professional."

Discussion on Value Engineering & Use of Another Professional's Plans

Ms. McIntyre recused herself from the discussion, as the issue originated in Virginia Beach, and she is an employee of the locality.

Discussion on Arc Flash Analysis

Discussion was held on Arc Flash Analysis and whether it is the practice of engineering. Board members reviewed several RFPs for the procurement of an arc flash analysis, the RFPs did not require 'professional services.' Mr. Stephen Bowman, PE, expressed his concerns, explaining that the analysis is engineering, and the RFP should require professional services.

The Section agreed by consensus that Arc Flash Analysis is the practice of engineering, and recommends that a letter be sent to the localities stating the board's position. Ms. Nosbisch stated that a draft letter will be reviewed at the full board meeting September 25, 2012 to be sent to Virginia Beach and other localities. In addition, Ms. Nosbisch stated an article will be included in the next edition of the board's newsletter affirming the Board's position.

Ms. Nosbisch informed section members that VDOT had amended their signing and sealing document with regards to surveying, and asked the Board to review the changes. Discussion was held on the amended

VDOT Request for Clarification on Survey Documents Requiring

document. Ms. McIntyre stated that #8 regarding Right-of-Way plan sheets could be further clarified by adding "As shown on the right-of-way plan sheet..." Mr. De León recommended that the Board approve changes made by VDOT with the additional language. Ms. McIntyre seconded the motion which was unanimously approved by members: Combs, De León, Johnson, Leary and McIntyre.

Signature & Seal

The Sections recessed from 10:40 a.m. until 10:55 a.m.

Recess

Section members reviewed correspondence from Mr. Walt Crockett, City Surveyor for the City of Hampton. Mr. Crockett requested clarification on several topics including land boundary surveys for subdivisions, plat requirements for residual area, tax map designation for adjoining parcels and statements on plats regarding easements.

Clarification from City of Hampton Regarding Sections of 18VAC10-20-370

Mr. Crockett informed the Section members that he was inquiring about land boundary surveys for subdivisions as it is a requirement of their subdivision ordinance. Ms. McIntyre stated that localities (and/or state code) determine the requirements for subdivisions, not the board.

Discussion was held on plat requirements for larger parcel, or residual area, of a subdivided parcel. Section members agreed that residual area is not a boundary; however the requirements may depend on the locality.

Mr. Crockett also inquired if the tax map designation applied to adjoining parcels. Ms. McIntyre stated that it is not a specific requirement.

With regards to plat statements on easements, Ms. McIntyre asserted that, a statement such as "All known easements shown" would be preferred, as this is a stronger statement than the example Mr. Crockett provided "All existing easements may not be shown on this plat." Mr. Leary agreed that the plat should include a clear, concise statement as the regulations do not include a required statement.

Ms. Nosbisch informed the sections that she was appointed to the NCEES Mobility Task Force Committee and Mr. Johnson was appointed to the NCEES EPE Committee. Ms. Nosbisch further informed the sections that the Technology Accreditation Commission (TAC) will be changed to the Engineering Technology Accreditation Commission effective October 1, 2012, and that computer based testing (CBT) for the FE and FS will begin January 2014. Ms. Nosbisch also reviewed several news releases from NCEES.

NCEES Update

Mr. De León nominated Mr. Combs to serve as Chair of the Professional Engineer Section. Mr. Johnson seconded the motion which was unanimously approved by members: Combs, De León & Johnson.

Election of Section Chairs

Ms. McIntyre nominated Mr. Holt to serve as Chair of the Land Surveyor Section. Mr. Leary seconded the motion which was unanimously approved by members: Leary & McIntyre.

Ms. Nosbisch provided exam statistics for the FE, PE, FS and PS exams and informed the sections that no board appointments had been announced yet. Ms. Nosbisch reminded that section members to provide a brief bio for the upcoming APELSCIDLA Workshop and asked Mr. Johnson and Ms. McIntyre to provide an overview of the application review process for their respective professions at the workshop.

Other Business

The Section members recessed for lunch from 11:57 a.m. until 12:25 p.m.

Recess

Section members reviewed resolutions to be presented at the 2012 NCEES Annual meeting, August 22-25. The Sections voted affirmatively on all resolutions endorsed by the board of directors with the exception of the Uniform Procedures and Legislative Guidelines Committee Motion 5 and would like further clarification on the Bylaws Section 5.01, Motion 4.

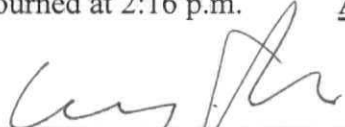
**Review of Resolutions
for 2012 NCEES
Annual Meeting**

Conflict of Interest forms were completed by all members present.


**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 2:16 p.m.

Adjourn



Wiley V. Johnson III, Chair



Gordon N. Dixon, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: John L. Combs
2. Title: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting August 16, 2012

5. I have a personal interest in the following transaction:

None

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Signature

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Wiley V. "Bif" Johnson, III
2. Title: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting August 16, 2012
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

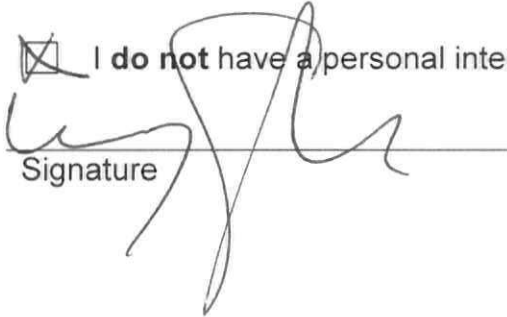
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

8-16-12
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: Patrick Leary
- 2. Title: Board Member
- 3. Agency: Land Surveyors Section/APELSCIDLA Board
- 4. Meeting/IFF Date: Section Meeting August 16, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.


Signature

16 AUG 2012
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: A. Cabell Crowther
2. Title: Board Member
3. Agency: Landscape Architects Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting August 16, 2012
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

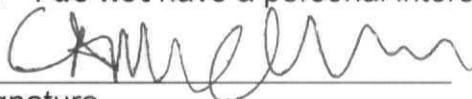
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.



Signature

8.16.12

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Nancy E. McIntyre
2. Title: Board Member
3. Agency: Land Surveyors Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting August 16, 2012

5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

LAND SURVEYORS & PROF ENGINEERS

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Nancy E. McIntyre
Signature

8/16/12
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Nico De León
2. Title: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting August 16, 2012

5. I have a personal interest in the following transaction:

_____ None _____

Nature of Personal Interest Affected by Transaction:

_____ None _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

_____ Engineering _____

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Signature _____

Date _____

8/16/12