

**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 March 19, 2014, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Architects

Robert A. Boynton
Clint Good
Michael F. LeMay

Professional Engineers

Wiley V. Johnson, III
Carolyn B. Langelotti

Land Surveyors

Patrick D. Leary
Nancy E. McIntyre

Interior Designers

Lorri Finn
Sheila E. Wilson

Landscape Architects

A. Cabell Crowther
Andrew M. Scherzer

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

Kathleen (Kate) R. Nusbisch, Executive Director
Amy Goobic, Administrative Assistant

Agency Staff present for all or part of the meeting was:

Nick A. Christner, Acting Director
Mark N. Courtney, Senior Director, Regulatory & Public Affairs
Bonnie Rhea-Adams, Director, Complaint Analysis Resolution
Samantha Vrscak, Legal Analyst

Jim Flaherty, Assistant Attorney General, was present from the office of the Attorney General.

Ms. Finn, Chair, called the meeting to order at 9:34 a.m.

Call to Order

Board members and staff observed a moment of silence in memory of Board members, John Combs, PE, who passed away December 24, 2013, and Paul Holt, Jr., LS, who passed away January 9, 2014, both members of the APELSCIDLA Board at the time of their passing.

Moment of Silence

Ms. Finn advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Ms. Nosbisch welcomed and introduced Jim Flaherty, Assistant Attorney General, who will be serving as board counsel, replacing Steven Jack.

Welcome & Introduction of Jim Flaherty, Assistant Attorney General

Ms. Nosbisch recognized National Engineers Week, February 16-22, National Surveying Week, March 16-22 and National Architecture Week, April 6-12, and Landscape Architecture Month, April. Ms. Nosbisch designated the day APELSCIDLA Certified Interior Designer Day, as they do not have a nationally recognized day. Ms. Nosbisch thanked all Board members for their time and expertise devoted to their professions and the Board.

Recognition of Professions

Ms. Nosbisch stated that the Regulatory Update on the agenda would be postponed until the June meeting and the Land Surveyor FAQ discussion would take place at the LS Section meeting following the full board meeting. Mr. Boynton moved to approve the agenda as amended. Ms. McIntyre seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Approval of Agenda

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

Approval of Minutes

- December 12, 2013, APELSCIDLA Board Meeting;
- January 9, 2014, APELSCIDLA Public Hearing;
- February 25, 2014, Professional Engineers, Land Surveyors and Architects Section Meeting; and
- February 25, 2014, Land Surveyors Exam Review Session.

Ms. Langelotti seconded the motion which was approved by members: Boynton, Crowther, Finn, Good, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Ms. Nosbisch introduced John Combs's wife, Kelly and son, Patrick. Ms. Nosbisch commented that Mr. Combs had been instrumental in the newly created PE Advisory Committee, which assists the PE Board members with review of applications. Ms. Nosbisch stated that she was sorry Mr. Combs was not able to see this to fruition.

Resolution in Memory of John Combs, PE

Ms. Finn read the following resolution:

Resolution in memory of
John L. Combs, PE

WHEREAS, John L. Combs faithfully and diligently served as a member of the APELSCIDLA Board from January 2011, to December 2013; and

WHEREAS, John L. Combs devoted generously of his time, talent and leadership to the APELSCIDLA Board; and

WHEREAS, John L. Combs endeavored at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and this profession; and

WHEREAS, the APELSCIDLA Board is grateful for the dedication and service of John L. Combs to the Board and to the citizens of the Commonwealth; and

WHEREAS, the APELSCIDLA Board mourns the passing of John L. Combs which occurred on December 24, 2013;

NOW THEREFORE BE IT RESOLVED, this nineteenth day of March 2014, that the APELSCIDLA Board expresses utmost regard and respect for John L. Combs and his professional legacy; and, so that all may know of the Board's depth of sorrow and its expression of sympathy, it is ORDERED this resolution be made a part of the official minutes of the Board and that a copy hereof be presented to the family of John L. Combs.

Ms. Nosbisch presented the resolution to Mrs. Combs and Patrick Combs.

Ms. Nosbisch introduced Mr. Holt's son, Paul Holt III.

**Resolution in
Memory of Paul
Holt, Jr., LSB**

Ms. Finn read the following resolution:

Resolution in memory of
Paul deC. Holt, Jr., LSB

WHEREAS, Paul deC. Holt, Jr. faithfully and diligently served as a member of the APELSCIDLA Board from January 2011, to January 2014; and

WHEREAS, Paul deC. Holt, Jr. devoted generously of his time, talent and leadership to the APELSCIDLA Board; and

WHEREAS, Paul deC. Holt, Jr. endeavored at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and this profession; and

WHEREAS, the APELSCIDLA Board is grateful for the dedication and service of Paul deC. Holt, Jr. to the Board and to the citizens of the Commonwealth; and

WHEREAS, the APELSCIDLA Board mourns the passing of Paul deC. Holt, Jr. which occurred on January 9, 2014;

NOW THEREFORE BE IT RESOLVED, this nineteenth day of March 2014, that the APELSCIDLA Board expresses utmost regard and respect for Paul deC. Holt, Jr. and his professional legacy; and, so that all may know of the Board's depth of sorrow and its expression of sympathy, it is ORDERED this resolution

be made a part of the official minutes of the Board and that a copy hereof be presented to the family of Paul deC. Holt, Jr.

Ms. Nosbisch presented the resolution to Paul Holt, III. Ms. Nosbisch commented on Mr. Holt Jr.'s commitment to the profession and to the Board.

Ms. Nosbisch welcomed former DPOR Director, Gordon N. Dixon, and thanked him for his contributions to the Board and the agency.

**Resolution for
Gordon N. Dixon**

Ms. Finn read the following resolution:

Resolution for
Gordon N. Dixon

WHEREAS, Gordon N. Dixon did faithfully and diligently serve the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects as the Director of the Department of Professional and Occupational Regulation from 2010 to 2014; and

WHEREAS, Gordon N. Dixon did devote generously of his time, talent and leadership to the Board; and

WHEREAS, Gordon N. Dixon did endeavor at all times to render assistance and advice to the Board with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth; now, therefore, be it

RESOLVED, by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects this nineteenth day of March 2014, that Gordon N. Dixon be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and, be it

FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Ms. Nosbisch presented the resolution to Mr. Dixon.

Mr. Al Pollard, PE, was present to address the Board. Mr. Pollard expressed concerns he has with a complaint he filed, which was closed administratively, and the process by which the complaint was handled.

**Public Comment
Period**

Mr. Carmen DiGiandomenico, was present to address the Board. Mr. DiGiandomenico expressed his concerns with the organizational structure of the agency, the complaint process and the investigation process. Mr. DiGiandomenico also commented on the subjects of the agency website and the Board Member Training Manual, which may be found on the website, and how he feels they both contain incorrect information.

Mr. Kasper was present to address the Board.

File Number 2014-01708, James Kasper

Regarding **File Number 2014-01708, James Kasper**, 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 and the presiding Board member's recommendation. Mr. Johnson moved to accept the recommendation of the presiding Board member and approve Mr. Kasper's application for licensure via comity as a professional engineer. Mr. Scherzer seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre, Scherzer and Wilson. As the presiding Board member, Ms. Langelotti was not present during the discussion or vote.

Mr. Warwick was present to address the Board.

File Number 2014-01410, John Warwick

Mr. Johnson stated that he was acquainted with Mr. Warwick, but it would not have any effect on his impartiality.

Regarding **File Number 2014-01410, John Warwick**, 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 and the presiding Board member's recommendation. Mr. Boynton moved to accept the recommendation of the presiding Board member and approve Mr. Warwick's application for licensure as a professional engineer. Mr. LeMay seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre, Scherzer and Wilson. As the presiding Board member, Ms. Langelotti was not present during the discussion or vote.

Regarding **File Number 2014-01703, Raymond Pate**, 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 and the presiding Board member's recommendation. Mr. Johnson moved to accept the recommendation of the presiding Board member and approve Mr. Pate's application for reinstatement of his professional engineer license. Mr. Boynton seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre, Scherzer and Wilson. As the presiding Board member, Ms. Langelotti was not present during the discussion or vote.

File Number 2014-01703, Raymond Pate

Regarding **File Number 2013-02274, Carl E. Duncan**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Duncan. Mr. Johnson moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-760.B.6 (Count 1). For this violation, Mr. Duncan agrees to pay \$100.00 in monetary penalties. Mr. LeMay seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre, Scherzer and Wilson. As the presiding Board member, Ms. Langelotti was not present during the discussion or vote.

File Number 2013-02274, Carl E. Duncan

Regarding **File Number 2014-01526, C.T. Brannon, Corp.**, the Board members reviewed the Consent Order as seen and agreed to by the C.T. Brannon, Corp. Mr. Boynton moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-750.B (Count 1). For this violation, the C.T. Brannon, Corp. agrees to pay \$150.00 for the violation contained in Count 1, and \$150.00 in board costs. For a total monetary penalty of \$300.00. Mr. Boynton seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

File Number 2014-01526, C.T. Brannon, Corp.

Regarding **File Number 2014-01276, Duc Minh Dang**, Board members reviewed the Prima Facie order for Mr. Dang. Ms. Nosbisch explained, as this is the first prima facie case the Board has reviewed, it is to be voted the same as an IFF disciplinary case, vote on the sanctions first, then vote on the violations. Mr. LeMay moved to accept the Prima Facie Order which cites the following violations of the Board's regulations: 18VAC10-20-790.A.5 (Count 1); and 18VAC10-20-740.C (Count 2). Mr. Boynton seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson. Ms. Nosbisch indicated that Mr. Dang had no prior violations. For the violation contained in Count 1, the recommended sanction is a monetary penalty of \$1,000.00. Mr. Johnson moved to accept the sanction for Count 1. Mr. Leary seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson. For the violation contained in Count 2, the recommended sanction is a monetary penalty of \$2,500.00. Mr. Boynton moved to accept the sanction for Count 2. Mr. Leary seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson. For the violations contained in Counts 1 and 2, revocation of license is recommended. Mr. Boynton moved to accept the recommendation for revocation of license. Mr. Crowther seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

File Number 2014-01276, Duc Minh Dang

Board members were provided a comprehensive report of enforcement activity since the last board meeting for informational purposes.

**Review of
Compliance &
Investigations
Activity**

Board members were provided financial statements for informational purposes.

**Review of Board
Financial Statements**

The Board recessed from 10:15 a.m. until 10:30 a.m.

Recess

Ms. Nosbisch provided background information regarding the discussion on the A/E seal chart. The chart, which includes PE and Architect sealing requirements for certain documents, is contained in the Department of Housing & Community Development (DHCD) Related Laws Package that is published with their Statewide Fire Code manual. The 2012 manual and Related Laws Package will be published July 2014, representatives of DHCD requested the APELSCIDLA Board review the charts to insure accuracy.

**Discussion of A/E
Seal**

The charts and requirements were reviewed and amendments were made. Mr. Boynton moved to approve the A/E seal charts as amended. Mr. Good seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Ms. Nosbisch provided background information for the discussion of USGS maps and the professionals' ability to utilize them, as they are not signed or sealed. Ms. Nosbisch referred to the Guidance Document of June 30, 2011, which addressed this issue and stated that perhaps clarification was needed. Mr. Flaherty stated that from a statutory perspective, he does think they may be used, however it may not be best practice. Mr. Leary suggested amending the language in the guidance document to state that the maps may be used for information, but not for design.

**Discussion of USGS
Maps**

Ms. Nosbisch suggested that the Guidance Document remain unchanged, and the Board provide a clarifying statement that would be documented in the meeting minutes. After review and discussion of the June 2011 Guidance Document pertaining to USGS maps or similar publicly available documents, item #4, the Board determined that "general information may include uses such as: water sheds, U sheds, and surface characteristics." Ms. McIntyre moved that the Board accept this clarification, to be documented in the minutes of the meeting. Mr. Leary seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Board members reviewed an email inquiry regarding the use of military experience in lieu of the NCEES PE exam to obtain licensure. Ms. Nobsisch reviewed the regulations and statutes addressing military experience and provisions made for service members, however there is no exemption for passing the exam. Mr. Courtney referred to §54.1-118 regarding military experience being substantially equivalent to the requirements, shall be considered in accordance with the regulations. Ms. Nobsisch stated that this could impact comity licensure if permitted.

**Discussion on
Military Experience
in lieu of NCEES
National Exam**

Mr. Johnson moved to not waive the NCEES PE examination in lieu of military engineering experience. Ms. McIntyre seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Ms. Nobsisch informed the Board that the CLARB Annual meeting will be held in Reston, VA September 25-27. She further informed the Board that CLARB submitted a proposal to the Council on Licensure Enforcement and Regulation (CLEAR) to provide a presentation on their "Definition of Welfare" research at the CLEAR Annual meeting.

**NCEES, NCARB,
CLARB & CIDQ
Updates**

Ms. Nobsisch reported that NCIDQ, changed the name of the organization to CIDQ. However, NCIDQ will remain as the name of the exam.

Ms. Nobsisch reported on the NCARB Regional Summit held in San Antonio, TX, March 6-9. Ms. Nobsisch and Mr. Boynton both attended. The NCARB Annual meeting will be held in Philadelphia, PA, in June 2014. Board members reviewed information regarding a proposed change to the IDP reporting requirement. NCARB requested Member Boards respond to the proposed change. Mr. Boynton moved to agree with the proposed change as stated by NCARB. Mr. LeMay seconded the motion, which was unanimously approved by members: Boynton, Crowther, Finn, Good, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Ms. Nobsisch informed the Board that NCEES will now provide funding to the Annual meeting in August for any new Board members. The meeting will be held in Seattle, WA.

Ms. Nobsisch asked if anyone was interested in having shirts made for Board members to wear to professional organization meetings, to let her know, and she will look into the cost as this would be at each individual's own expense.

Ms. Nobsisch informed the Board that the start of computer-based testing (CBT) for the FE and FS exams has gone well. The Land Surveyor exam will be the next transitioned to CBT, in the next year or as soon as feasible.

Ms. Nobsisch reported that a colleague inquired about 'Interior Architecture' programs in Virginia colleges. James Madison University has recently changed their interior design program to 'interior architecture.' Ms. Finn

Other Business

stated that the JMU program is accredited with the Council for Interior Design Accreditation (CIDA), perhaps check with them on the name of the program, as ‘architect’ is a protected title.

Ms. Nosbisch reported that the Virginia General Assembly passed a resolution in early March to recognize the Virginia Society of the American Institute of Architecture’s 100th year of incorporation and its “dedicated service to the citizens of the Commonwealth of Virginia.”

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 10:52 a.m.

Adjourn

Lorri Finn, Chair

Nick A. Christner, Acting Secretary

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