

**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 September 15, 2009, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

**Architects**

James R. Boyd  
J. Everette Fauber, III  
Michael F. LeMay

**Professional Engineers**

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

**Land Surveyors**

John R. McAden  
Nancy E. McIntyre  
W. R. Stephenson, Jr.

**Interior Designers**

Lorri B. Finn  
Cameron C. Stiles

**Landscape Architects**

Vaughn B. Rinner  
Andrew M. Scherzer

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director  
Mark N. Courtney, Deputy Director for Licensing and Regulation Division  
Kathleen R. Nosbisch, Executive Director  
Marian H. Brooks, Program Administrator  
Amy Goobic, Administrative Assistant  
Earlyne Perkins, Legal Analyst

Steven P. Jack, Assistant Attorney General, was present at the meeting.

Ms. McIntyre, Chair, called the meeting to order at 9:02 a.m.

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

Ms. McIntyre introduced new Board members, Michael LeMay, of the Architects Section and Andrew Scherzer, of the Landscape Architects Section, and welcomed them to the Board. Ms. Nosbisch introduced the staff of the APELSCIDLA Board, licensing specialists: Ramona Norris, Joan Leonard, Toni Spencer and Tonia Burrell; and Office Manager, Sheree Dean. Bradley Verry, licensing specialist, was not present at the meeting. Ms. McIntyre read the following resolution for the service of John S. Clark, Jr., which was presented to Mr. Clark by Ms. McIntyre:

**Call to Order**

**Emergency  
Evacuation  
Procedures**

**Welcome &  
Introduction of New  
Board Members &  
Staff**

**Resolution for John  
S. Clark, Jr.**

**John S. Clark, Jr.**

WHEREAS, **John S. Clark, Jr.**, did faithfully and diligently serve as a member of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 2001 to 2009;

WHEREAS, **John S. Clark, Jr.**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **John S. Clark, Jr.**, did endeavor at all times to render decisions with fairness and good judgement 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 fifteenth day of September 2009, that **John S. Clark, Jr.**, 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.

The resolution was adopted by consensus. Mr. Clark was present to address the Board, thanking the members for the opportunity to be a part of the Board.

Mr. Stephenson moved to approve the agenda. Mr. Harris seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles.

**Approval of Agenda**

Ms. Stiles moved to approve the minutes for the following meetings as amended:

**Approval of Minutes**

- June 3, 2009, Informal Fact-Finding Conference, (PE);
- June 24, 2009, Informal Fact-Finding Conference, (ID);
- June 25, 2009, APELSCIDLA Board Meeting;
- June 25, 2009, Land Surveyor Section Meeting (Exam

Workshop);

- June 25, 2009, Informal Fact-Finding Conference (Arch);
- June 25, 2009, Informal Fact-Finding Conference (PE/Arch);
- July 28, 2009, Architects Section Meeting;
- July 28, 2009, Informal Fact-Finding Conference (Arch);
- July 30, 2009, Interior Designers Section Meeting;
- August 5, 2009, Professional Engineers Section Meeting;
- August 19, 2009, Land Surveyors Section Meeting; and
- September 2, 2009, Landscape Architects Section Meeting

Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles.

There were no comments made to the Board.

Regarding **File number 2009-04226, Christopher Jendricks**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits and the summary and recommendation of the presiding Board member. Mr. Fauber moved to accept the recommendation of the presiding Board member, denying approval of Mr. Jendricks' application for architect licensure by comity under 18VAC10-20-20.B. Additionally, Mr. Jendricks does not possess the required NCARB certificate, nor is his education equivalent to a NAAB accredited professional degree. Mr. LeMay seconded the motion which was unanimously approved by members: De León, Fauber, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles. As the presiding Board member, Mr. Boyd, was not present during the discussion, or vote.

Regarding **File number 2009-04224, John Stuart Francis**, the Board 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 Section's recommendation. Ms. Stiles moved to accept the recommendation of the presiding Board member, and approve Mr. Francis' application for certification as an Interior Designer. Mr. Fauber seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Harris, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles. As the presiding Board member, Ms. Finn, was not present during the discussion or vote.

Regarding **File number 2009-03911, Ipek Aktuglu**, the Board 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 Section's recommendation. Mr. Johnson moved to accept the recommendation of the presiding Board member and approve Ms. Aktuglu to sit for the PE

**Public Comment  
Period**

**File Number 2009-  
04226, Christopher  
Jendricks**

**File Number 2009-  
04224, John Stuart  
Francis**

**File Number 2009-  
003911, Ipek Aktuglu**

examination under 18VAC10-20-210.3. Mr. De León seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles. As the presiding Board member, Mr. Harris, was not present for the discussion or vote.

Regarding **File Number 2009-04078, Walter Johnson Fitzgerald**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Fitzgerald. Mr. Johnson moved to accept the Consent Order which cites the following violations: 18VAC10-20-750.A (Count 1) and 18VAC10-20-750.C (Count 2) of the Board's regulations. For these violations, Mr. Fitzgerald agrees to pay the following monetary penalties: there were no monetary penalties for the violations contained in Count 1 and Count 2; and \$150.00 in Board costs. In addition, for the violation of Count 1, Mr. Fitzgerald agrees to eighteen (18) months probation of his license as of the effective date of this order. During this eighteen (18) month probation, Fitzgerald agrees to:

- (1) Comply with the rules and regulations of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects;
- (2) Not be convicted of any local, state, or federal laws.

If Mr. Fitzgerald violates any terms of this probation, his license shall be automatically revoked. Fitzgerald understands the right to have this revocation considered in an informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia, and knowingly and voluntarily waives any rights to these proceedings.

Ms. Stiles seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles. As the reviewing Board member, Mr. Harris was not present during the discussion or vote.

Regarding **File Number 2009-04076, Thomas Price**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Price. Mr. Harris moved to accept the Consent Order which cites the following violations: 18VAC10-20-750.B (Count 1) and 18VAC10-20-750.C (Count 2) of the Board's regulations. For these violations, Mr. Price agrees to pay the following monetary penalties: \$125.00 for the violation contained in Count 1; \$125.00 for the violation contained in Count 2; and \$150.00 in Board costs, for a total monetary penalty of \$400.00. Mr. Johnson seconded the motion which was unanimously approved by members: Boyd, Fauber, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles. As the reviewing Board member, Mr. De León was not present during the discussion or vote.

**File Number 2009-04078, Walter Johnson Fitzgerald**

**File Number 2009-04076, Thomas Price**

Regarding **File number 2009-03763, W. Gray Hodge**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Hodge. Mr. Harris

**File Number 2009-03763, W. Gray**

moved to accept the Consent Order which cites the following violation: 18VAC10-20-750.B (Count1) of the Board's regulations. For these violations, Mr. Price agrees to pay the following monetary penalties: there was no monetary penalty for the violation contained in Count 1; and \$150.00 in Board costs. In addition, for violation of Count 1, Hodge agrees to probation of his Virginia license for a period to coincide with the probation period agreed to in the Settlement Stipulation with the Florida Board of Professional Engineers ("Florida Settlement Stipulation") referenced in Count 1 of the Report of Findings. During this probation, Hodge agrees to:

**Hodge**

- (1) Comply with the terms of the probation contained in the Florida Settlement Stipulation and to provide to the Board proof of compliance.
- (2) Provide to the Board proof of completion of the terms of the probation agreed to in the Florida Settlement Stipulation.

If Hodge violates any terms of this probation, his Virginia license shall be automatically suspended until such time as there is complete satisfactory compliance with the Florida Settlement Stipulation. Hodge understands the right to have this suspension considered in an informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia, and knowingly and voluntarily waives any rights to these proceedings.

Mr. Johnson seconded the motion which was unanimously approved by members: Boyd, Fauber, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles. As the reviewing Board member, Mr. De León was not present during the discussion or vote.

Mr. Fauber and Mr. Boyd recused themselves from the meeting.

Mr. Willcox Dunn, counsel for Mr. Stephenson, was present to address the Board on Mr. Stephenson's behalf.

**File Number 2009-01623, George Charles Stephenson**

Regarding **File Number 2009-01623, George Charles Stephenson**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Stephenson. Mr. LeMay moved to accept the Consent Order which cites the following violations: 18VAC10-20-730.C (Count1) and 18VAC10-20-710.B (Count 3); and 18VAC10-20-760.B (Count 4) of the Board's regulations. For these violations, Mr. Stephenson agrees to pay the following monetary penalties: \$2,500.00 for the violation contained in Count 1; \$1,500.00 for the violation contained in Count 3; \$1,000.00 for the violation contained in Count 4; and \$500.00 in Board costs, for a total monetary penalty of \$5,500.00. In addition to the monetary penalties and Board costs, Stephenson agrees to be placed on probation for a period of two (2) years from the effective date of this order and to comply with the following terms:

1. Suspension of Stephenson's professional engineer license for a period of six (6) months from the effective date of this order; and
2. Complete three (3) hours of continuing education pertaining to ethics in the practice of engineering. Stephenson must provide proof acceptable to the Board of course completion within six (6) months of the effective date of this order. Satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license.

In addition, the Board agrees to close Counts 2 and 5 with no further action.

Mr. Harris seconded the motion which was unanimously approved by members: De León, Finn, Harris, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles. As the reviewing Board member, Mr. Johnson was not present during the discussion or vote.

After reviewing the application and Agreement for Registration, Mr. Stephenson moved to accept the Agreement for Registration as seen and agreed to by Greeley and Hansen Architects, LLC. Mr. De León seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles.

Discussion was held regarding letters received from Mr. Klaus Worrell, P.E. The Professional Engineers Section reviewed the letters at its August 5, 2009, meeting. Mr. Worrell had requested clarification on issues involving plan reviewers authority. The Board determined that certain concerns could be clarified by §54.1-410.B of the *Code of Virginia*, and other issues Mr. Worrell raised should be reviewed by the Technical Review Board. The Board members agreed that, pursuant to §54.1-410, a plan reviewer can accept or reject a design but cannot change a design. The Board would recommend Mr. Worrell contact the Compliance and Investigations Division if he believes a violation of the Board's regulations had occurred. Ms. Nobsch will draft a letter with the Board's response.

Ms. Nobsch informed the Board that Mr. Courtney had followed up with DGS on their Invitation For Bid and the use of the term "architect" and "engineer." There was no further communication from DGS regarding this matter.

**Agreement for  
Registration 2010-01,  
Greeley and Hansen  
Architects, LLC**

**Discussion of letters  
received from Klaus  
Worrell and Board  
response**

**Follow up on  
Invitation For Bid  
from DGS**

Ms. Nosbisch explained that committee appointments would be made for each Section to begin the Regulatory Review process. The Architect Section decided at their last meeting that Mr. Boyd would represent their Section. Likewise, the Landscape Architect Section decided that Mr. Scherzer would represent their Section. Mr. Johnson was selected to represent the Professional Engineers Section, Ms. Stiles will represent the Interior Designers Section and Ms. McIntyre will represent the Land Surveyors Section.

**Regulatory Review  
Committee  
Appointments**

Ms. Nosbisch informed the Board that due to the Landscape Architect change from certification to licensure enacted July 1, 2009 with a 12 month delayed enactment clause, there would be regulatory action taken effective July 1, 2010. This qualifies as an exempt regulatory action, and does not have to go through the full review process as it is a statute change. Ms. Rinner moved to accept the necessary changes for the exempt regulatory action. Mr. Scherzer seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles.

**Review of Proposed  
Regulations  
Regarding  
Landscape  
Architects- Exempt  
Regulatory Action**

Ms. Nosbisch informed the Board that Mr. De León provided information that VDOT has been checking on companies that bid for projects, to ensure that they are properly registered with the Board. Mr. De León commented that several large contracts have been rescinded because the business does not meet the registration regulations, and that the RFP's now have very specific language.

**VDOT RFPs**

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting.

**Comprehensive  
Report of CID  
Activity**

The Board members were provided with financial statements from June 2009 for informational purposes.

**Review of Board  
Financial Statements**

The Board members took a break from 10:15 a.m. until 10:30 a.m.

**Break**

There was no other business.

**Other Business**

Mr. Courtney provided the Board members with training on the roles and responsibilities of members of the Board.

**Roles &  
Responsibilities of  
Board member  
Training**

The Board members participated in the Conflict of Interests Act training as it is required of all board members. Board members signed certificates verifying that they had completed the training course.

**Conflict of Interests  
Act Training**

Conflict of Interest forms were completed by all members present.

**Conflict of Interest**

**Forms**

There being no further business, the meeting was adjourned at 12:02 p.m.

**Adjourn**

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Nancy E. McIntyre, Chair

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Jay W. DeBoer, Secretary

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