

**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 20, 2012, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

**Architects**

James R. Boyd  
Clint Good  
Michael F. LeMay

**Professional Engineers**

John L. Combs  
Wiley V. Johnson, III

**Land Surveyors**

Patrick D. Leary  
Nancy E. McIntyre

**Interior Designers**

Lorri B. Finn

**Landscape Architects**

A. Cabell Crowther  
Andrew M. Scherzer

Board members Nico De Léon, Paul deC. Holt and Cameron Stiles were not present for the meeting.

Staff present for all or part of the meeting were:

Gordon N. Dixon, Director  
Kathleen (Kate) R. Nosbisch, Executive Director  
Marian H. Brooks, Board Administrator  
Amy Goobic, Administrative Assistant  
Earlyne Perkins, Legal Analyst

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

Mr. Scherzer, Chair, called the meeting to order at 9:35 a.m.

Mr. Scherzer advised the Board of the emergency evacuation procedures.

**Call to Order**

**Emergency  
Evacuation  
Procedures**

Mr. LeMay moved to approve the agenda as amended. Mr. Combs seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre and Scherzer.

**Approval of Agenda**

Mr. Johnson moved to approve the minutes as amended for the following meetings:

**Approval of Minutes**

- December 15, 2011, APELSCIDLA Board Meeting;
- December 15, 2011, Land Surveyor Section Exam Review;
- December 16, 2011, Informal Fact-Finding Conference;
- January 25, 2012, National Organization Participation Committee;
- February 15, 2012, Professional Engineers Section Meeting;
- February 16, 2012, Land Surveyors Section Meeting;
- February 16, 2012, Land Surveyor Section Exam Review;
- February 21, 2012, Informal Fact-Finding Conference; and
- February 27, 2012, Informal Fact-Finding Conference.

Ms. McIntyre seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre and Scherzer.

Ms. Alexis DiGiandomenico was present to address the Board. Ms. DiGiandomenico posed several questions regarding receipt of multiple complaints against a licensee.

**Public Comment  
Period**

Board members, staff and guests participated in a statewide tornado emergency preparedness drill.

**Tornado Drill**

Mr. Carmen DiGiandomenico was present to address the Board and posed several questions/complaints regarding Board internal processes for Informal Fact-Finding Conferences.

**Public Comment  
Period Resumed**

Regarding **File Number 2012-00717, James L. Titus**, 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 as well as the Section's recommendation. Ms. Nosbisch informed the Board that correspondence was received from Mr. Titus requesting an additional IFF, stating that he did not have sufficient time to review the IFF Summary and transcript. Mr. Johnson moved to accept the request from Mr. Titus and grant him an additional IFF. Ms. Finn seconded the motion which was unanimously approved by members: Combs, Crowther, Finn, Good, Johnson, Leary, LeMay and Scherzer. As the presiding Board member, Mr. Boyd, was not present during the discussion or vote.

**File Number 2012-  
00717, James L.  
Titus**

Regarding **File Number 2011-04007, S.L. Headley**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Headley. Mr. Leary moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC10-20-370.D.1 (Count 1); and 18VAC10-20-370.D.2 (Count 2). For these violations, Mr. Headley agrees to pay the following monetary penalties: \$100.00 for the violation contained in Count 1;

**File Number 2011-  
04007, S. L. Headley**

\$400.00 (4 violations at \$100.00 each) for the violation contained in Count 2; and \$150.00 in board costs, for a total monetary penalty of \$650.00. In addition, for the violations contained in Count 1 and Count 2, Mr. Headley agrees to the voluntary surrender of his license. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Johnson, Leary, LeMay and Scherzer. As the presiding board member, Ms. McIntyre, was not present for the discussion or vote.

Regarding **File Number 2012-01384, David Vargulic**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application, transcripts, exhibits, and the Summary of the Informal Fact-Finding Conference, and the recommendation of the presiding board member. Mr. Vargulic's case was remanded to the PE Section at the December 15, 2011, APELSCIDLA Board meeting for further discussion. At their meeting February 16, 2012, the PE Section voted to deny the recommendation of the presiding board member and recommended approval of Mr. Vargulic's comity application.

**File Number 2012-01384, David C. Vargulic**

After discussion, Ms. McIntyre moved to deny the recommendation of the PE Section and deny Mr. Vargulic's comity application. Mr. Boyd seconded the motion which was approved by members: Boyd, Crowther, Finn, Good, Leary, LeMay, McIntyre and Scherzer. Mr. Combs voted against the motion. As the presiding board member, Mr. Johnson, was not present for the discussion or vote.

Regarding **File Number 2012-00813, Michael Leo Keating**, 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 recommendation of the presiding Board member. Mr. Johnson moved to accept the recommendation of the presiding Board member and approve Mr. Keating's application to sit for the PE examination. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Crowther, Finn, Johnson, Good, Leary, LeMay, McIntyre and Scherzer. As the presiding board member, Mr. Combs, was not present for the discussion or vote.

**File Number 2012-00813, Michael Leo Keating**

Regarding **File Number 2012-02539, Muthanna Abuhamdeh**, the Board members reviewed the Consent Agreement as seen and agreed to by Mr. Abuhamdeh. Mr. Johnson moved to accept the Consent Agreement which cites the following violation of the Board's regulations: 18VAC10-20-75. For this violation, Mr. Abuhamdeh agreed to his October 29, 2011 FE examination not being scored. However, this shall not preclude him from sitting for future examinations and Mr. Abuhamdeh agrees that any further violation of the NCEES Candidate Agreement and Board Regulations may result in further action by the Board. Ms. McIntyre seconded the motion which was unanimously approved by members: Boyd, Crowther, Finn,

**File Number 2012-02539, Muthanna Abuhamdeh**

Johnson, Good, Leary, LeMay, McIntyre and Scherzer. As the presiding board member, Mr. Combs, was not present for the discussion or vote.

Regarding **File Number 2012-01739, Brice A. Nelson**, 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 as well as the Section's recommendation. Mr. Johnson moved to accept the recommendation of the presiding Board member, and approve Mr. Nelson's comity application for PE licensure. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre and Scherzer. Mr. De León was the presiding board member, and was not present for the meeting.

**File Number 2012-01739, Brice A. Nelson**

Mr. Charlton and Mr. Robert Musich, counsel for Mr. Charlton, were present to address the Board. On behalf of Mr. Charlton, Mr. Musich requested an additional IFF, as Mr. Charlton feels there were inaccuracies in the IFF Summary.

**File Number 2012-01156, Abram C. Charlton, Jr.**

Regarding **File Number 2012-01156, Abram C. Charlton, Jr.**, 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, the recommendation of the presiding Board member and considered the request for an additional IFF. Mr. LeMay moved to accept the request of Mr. Charlton and grant him an additional IFF. Ms. Finn seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Johnson, Good, Leary, LeMay, McIntyre and Scherzer.

Regarding **File Number 2012-02326, Michael Joseph Aust**, the Board members reviewed the Consent Agreement as seen and agreed to by Mr. Aust. Mr. LeMay moved to accept the Consent Agreement which cites the following violation of the Board's regulations: 18VAC10-20-75. For this violation, Mr. Aust's October 29, 2011 FE examination score will be voided. In addition, Mr. Aust voluntarily agrees not to re-apply with the Board for a period of three (3) years from the date of entry of this order and voluntarily agrees not to re-apply to take any examination administered by the National Council of Examiners for Engineering and Surveying ("NCEES") for a period of three (3) years from the date of entry of this order by the Board. Upon entry of this order, the Board agrees to pursue no further investigation into Aust's conduct during the Fundamentals of Engineering Examination taken on October 29, 2011. Mr. Johnson seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Johnson, Good, Leary, LeMay, McIntyre and Scherzer.

**File Number 2012-02326, Michael Joseph Aust**

After reviewing the application and Agreement for Registration, Ms. McIntyre moved to accept the Agreement for Registration as seen and agreed to by ALTA Refrigeration, Inc. Mr. LeMay seconded the motion which was

**Agreement for Registration, ALTA Refrigeration, Inc.**

unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre and Scherzer.

After reviewing the application and Agreement for Registration, Mr. LeMay moved to accept the Agreement for Registration as seen and agreed to by EMC Structural Engineering, P.C. Mr. Leary seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre and Scherzer.

Mr. Dixon provided the Board with an agency update. Mr. Dixon informed the members that the General Assembly had adjourned their session, with no bills affecting the APELSCIDLA Board. The agency continues to work on streamlining procedures and making efforts towards cost reductions. Mr. Dixon asked board members to provide input on having an online location for reviewing board meeting agendas, in lieu of receiving the agenda on cds. Mr. Dixon also updated the board on the progress of the new agency website.

Ms. Nosbisch informed the Board that the letter from Mr. Dixon to state agency directors, regarding the proper use of protected professional titles, was mailed in January. Board members reviewed correspondence received from several state entities regarding their use of professional titles and compliance with the board's regulations. Mr. Scherzer suggested sending the letter to the Virginia Association of Counties, to disseminate the information to localities and schools.

Discussion on the proposed Guidance Document for Comity Licensure was deferred until all recommended changes were available for board review.

Board members reviewed minutes from the PE and Land Surveyors Sections, on the topic of value engineering and the use of another professional's plans. The PEs and Land Surveyors agreed that plans may be reviewed without permission; however any changes would need permission from the 'owner.' The sections also discussed 'ownership' of plans and stated that ownership must be established in a written form. Mr. LeMay moved to have minutes reflect the agreement of the Board with the PE and Land Surveyor's conclusion. Mr. Combs seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre and Scherzer.

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

The Board members were provided financial statements for informational

**Agreement for Registration, EMC Structural Engineers, P.C.**

**Director's Report**

**Discussion of Proposed Guidance Document on Use of Protected Professional Titles**

**Discussion of Proposed Guidance Document for Comity Licensure**

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

**Review of Compliance and Investigations Division Activity**

**Review of Board**

purposes.

Ms. Nosbisch provided an update on the proposed regulations, which are currently in the Governor's office awaiting approval; they have been there 495 days. The Regulatory Review Committee will meet after the 60-day public comment period to finalize the regulations for Board approval.

Ms. Nosbisch provided a report on the committee meeting as Paul Holt, Committee Chair, was not present. Mr. Scherzer, Board Chair, requested at the December 15, 2012, that a committee of Mr. Holt, Ms. Finn, Mr. Combs, Mr. Boyd and himself, meet to discuss the importance of participation in professional organization meetings and conferences. Committee members offered language to be used in the travel justifications that are submitted for travel approval. Board members were provided sample statements for each national organization to be included in travel justifications.

Ms. Nosbisch recommended the Board hold a strategic planning workshop to provide an informal setting for in-depth review of board/agency policies and procedures, strategic planning and possibly a mock Informal Fact-Finding Conference. The Board agreed by consensus to have Ms. Nosbisch and staff proceed with the planning, possibly holding the workshop in September.

Ms. Nosbisch informed the Board that all members of the Architect Section would be able to attend the annual meeting through funding. Mr. Leary moved to submit an application for Mr. LeMay to attend the NCARB Annual meeting as the Region funded delegate. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre and Scherzer. Mr. Combs moved to have Mr. Boyd and Mr. Good attend as the NCARB funded delegates. Mr. Scherzer seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre and Scherzer. Ms. Nosbisch will attend as the funded Member Board Executive.

Ms. Nosbisch notified the Board that Mr. Boyd is running for NCARB Regional Vice-Chair/Treasurer. Ms. Finn moved to have Mr. Boyd attend the Regional meeting as the funded delegate. Mr. Good seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre and Scherzer.

Ms. Nosbisch informed the Board that NCARB mailed 80,000 postcards to survey the profession with the 2012 Practice Analysis of Architecture. She further informed members that IDP 2.0 will be implemented April 3-5, with services limited during the transition. The Architect Section will be reviewing NCARB resolutions at the May section meeting, Michael Armstrong, NCARB CEO and Kathy Hillegas, NCARB Director, will be attending the meeting.

## **Financial Statements**

## **Regulatory Review Update**

## **National Organization Participation Committee Report**

## **Strategic Planning Board Workshop**

## **NCEES, NCARB, CLARB & NCIDQ Updates**

Ms. Nobsch informed the Board that the NCEES NE Zone meeting will be held May 3-5 in Dover, DE. Mr. Johnson moved to have MS. Nobsch attend the meeting as the funded delegate. Ms. McIntyre seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre and Scherzer. Ms. Nobsch further informed the Board that the NCEES Public Outreach Committee will be sponsoring the 2013 National Engineering Week. Ms. Nobsch is a member of the Committee.

Ms. Nobsch reported that the CLARB LARE exam will be transitioning from five to four sections, and will also convert to computer based testing beginning September 2012. She further reported that Mr. Scherzer attended the CLARB Spring meeting, February 23-25, in Coral Gables, FL.

Ms. Nobsch acknowledged National Engineers Week, February 20-26, National Surveying Week, March 19-25, National Architecture Week, April 9-15 and Landscape Architecture Month, the month of April. Ms. Nobsch designated the day APELSCIDLA Certified Interior Designer Day, as they do not have a nationally recognized day. Ms. Nobsch thanked all Board members for their time and expertise devoted to their professions and the Board.

**Other Business**

Discussion was held on the Board Resource Guide. Ms. Nobsch explained that the Resource Guide was not up-to-date and recommended the Board suspend use of the guide until the proposed regulations are approved at which time the guide could be updated. Mr. Combs moved to rescind the Resource Guide. Mr. Crowther seconded the motion which was unanimously approved by members: Boyd, Combs, Crowther, Finn, Good, Johnson, Leary, LeMay, McIntyre and Scherzer.

Board members reviewed the sanction guidelines document. Mr. Scherzer recommended adding a key word or phrase to the regulation listed, as it would be helpful in recalling the basis of the regulation.

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 11:30 a.m.

**Adjourn**

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Andrew M. Scherzer III, Chair

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Gordon N. Dixon, Secretary