

**PROFESSIONAL ENGINEER & LAND SURVEYOR
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 February 4, 2015, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Charles F. Dunlap (LS)
Wiley V. Johnson, III (PE)
Carolyn B. Langelotti (PE)
Patrick D. Leary (LS)
Christopher M. Stone (PE)

Board member Mike Zmuda was not present at the meeting.

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

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

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

Jay W. DeBoer, Director
Nick Christner, Deputy Director for Regulatory Programs and Compliance
Mark N. Courtney, Senior Director for Regulatory and Public Affairs

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

Ms. Langelotti, Chair, called the meeting to order at 9:32 a.m.

Call to Order

Ms. Langelotti stated that Mr. Zmuda was unable to attend the meeting and sends his regrets, she then advised the Section members of the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Ms. Nosbisch recognized National Engineers Week, February 22-28, and National Surveying Week, March 15-21. Ms. Nosbisch thanked Section members for their service to the Board and to their professions.

**Recognition of
Professional Weeks**

Mr. Dunlap moved to approve the agenda. Mr. Johnson seconded the motion which was unanimously approved by members: Dunlap, Johnson, Langelotti, Leary and Stone.

**Approval of
Agenda**

There was no public comment.

Public Comment Period

Ms. Nobsisch reported that nominations for the Southern Zone Awards were due March 2, but stated it is perhaps too soon for the Virginia Board to make nominations, as the Board just recently transferred from the Northeast Zone to the Southern Zone.

NCEES Update

Ms. Nobsisch stated that the Southern Zone is accepting nominations for president elect, vice president, assistant vice president, representative and alternate for the Committee on Nominations. Nominations are due March 31 and will be voted on at the Southern Zone meeting in May. Mr. Dunlap stated that he is currently serving on the Committee on Uniform Procedures and Legislative Guidelines, and is interested in serving on the Committee on Nominations. Ms. Nobsisch will inquire as to the nominating procedure for Mr. Dunlap.

Ms. Nobsisch informed the sections that NCEES is researching ways to modernize and streamline datasharing for its member boards; the survey regarding committee service is to be completed by February 17.

Ms. Nobsisch reported that Mr. Leary would be attending the President's Assembly, February 7-8, in Atlanta. Ms. Nobsisch also informed the Sections that the Southern Zone meeting will be May 14-17, in Scottsdale, AZ, and that NCEES will fund two delegates. Ms. Johnson moved to have Ms. Nobsisch and Ms. Langelotti attend as the funded delegates. Mr. Stone seconded the motion which was unanimously approved by members: Dunlap, Johnson, Langelotti, Leary and Stone.

Mr. Dunlap reported that he received information from John Paliatiello, Executive Director of the Management Association for Private Photogrammetric Surveyors (MAPPS), regarding localities use of Virginia Geographic Information Network (VGIN) data, under the Virginia Information Technologies Agency (VITA), for floodplain determination. Section members discussed the issue as the mapping information is not signed and sealed by a licensed surveyor or surveyor photogrammetrist, and the information may not be accurate. Mr. Johnson commented that the issue is broader; he has heard of dam owners using VGIN data for inundation calculations.

Virginia Orthographic Maps

Section members reviewed correspondence sent by the APELSCIDLA Board to VITA in October 2012, regarding concerns with VITA RFPs for mapping services. The RFP did not specifically require a licensed professional, nor does it require the disclaimer pursuant to § 54.1-402.C of the *Code of Virginia* and 18VAC10-20-310 of the Board's regulations. Nevertheless, the proposal required photogrammetric services, as well as traditional surveying. The Board did not receive a response to the letter.

Mr. Courtney stated that there has been a two year study on the Procurement Act, and several bills have been introduced in the General Assembly this session. Discussion was held on the bills regarding procurement and

professional services. Mr. Dunlap stated that the procurement bills may address the concerns, and the Board should monitor the progress of the bills. Section members discussed the need to educate localities and the public on utilizing accurate mapping information prepared by a licensed professional. Ms. Nobsch stated that the Board is not in the position to direct the actions of another state agency, however, the Board may inform when regulations are deemed violated. Ms. Nobsch added that an article in the APELSCIDLA newsletter may be helpful to inform regulants and municipalities. Mr. Dunlap offered to write an article for the newsletter. Mr. Courtney suggested posting information on the DPOR Facebook page.

Section members were provided exam statistics from the 2014 exams for informational purposes. Ms. Nobsch informed the sections that exam vendor PCS terminated the contract for the PE and LS exams, NCEES will be administering the exams going forward. Ms. Nobsch also reported that computer-based testing (CBT) for the LS exam had been pushed to late 2016. Discussion was held on the possibility of CBT for the Virginia specific LS exam. Ms. Nobsch stated that there would be development costs to consider.

PE and LS Exam Statistics

Section members reviewed the 2011 Guidance Document - Onsite Sewage Systems Designed by Professional Engineers & Onsite Soil Evaluators. Ms. Nobsch informed the Section members that the current language states "the system may be designed, signed, and sealed by a licensed onsite soil evaluator (OSE)", however a licensed OSE is not required have a seal. Ms. Nobsch proposed changing the language to "...by a licensed onsite soil evaluator in accordance with §54.1-402.A.11." Mr. Dunlap moved to accept the proposed change to the guidance document. Mr. Leary seconded the motion which was unanimously approved by members: Dunlap, Johnson, Langelotti, Leary and Stone. Ms. Nobsch stated that the proposed language will be presented to the full Board for approval at its March 17 meeting.

Other Business

Section members reviewed correspondence received from DEQ in response to the APELSCIDLA Board letter sent in December regarding DEQ regulation 9VAC25-870-55. DEQ does not think their requirement for a professional to sign and seal record drawings for permanent stormwater management facilities, is in violation of the Board's regulations. Discussion was held on extending an invitation to Mr. David Paylor, Director, DEQ, to attend the March 17 APELSCIDLA Board meeting to discuss further. Ms. Nobsch stated that she will extend the invitation to Mr. Paylor.

Discussion was held on the requirements of a licensed professional in responsible charge at "satellite or branch" offices. Mr. Johnson proposed a scenario in which a surveying field crew might use a field office, however, the LS in responsible charge is not on site. Section members were in agreement that this may be a violation of the Board's regulations.

Section members agreed that regulations regarding branch offices should be reviewed as technologies have changed such that offices and work may be supervised without physically being at the location. Mr. DeBoer commented that traditional brick and mortar offices are becoming outdated, and that business practices and how employees are supervised need to be considered.

Section members discussed reestablishing the Regulatory Review Committee after the current regulatory package is approved, to discuss topics such as this. Mr. Courtney stated that the regulatory periodic review is required every four years, which would be this year and the Board could address this, as well as, any other items that may present themselves.


Mr. Leary stated that discussions would be held at the upcoming NCEES President's Assembly regarding issuing a PE license to an applicant that holds a PhD without taking the PE exam, and early testing for the PE exam. Mr. Leary requested the input of the PE Section as he would be attending the meeting and wanted to express their views. The PE Section members were in agreement that any applicant must sit for the PE exam. Mr. Johnson stated that the Board's regulations do not allow for early testing of the PE exam.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 11:08 a.m.

Adjourn



Carolyn B. Langelotti, Chair



Jay W. DeBoer, Secretary

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

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

1. Name: Charles F. Dunlap
2. Title: Board Member
3. Agency: Land Surveyors Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting, February 4, 2015

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

Nature of Personal Interest Affected by Transaction:

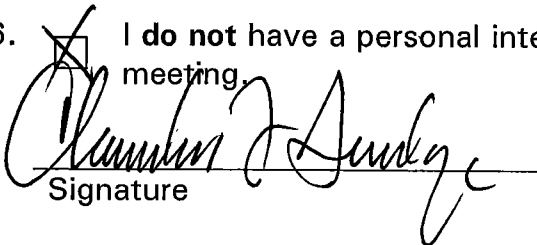
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

2/4/15
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, February 4, 2015

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

Nature of Personal Interest Affected by Transaction:

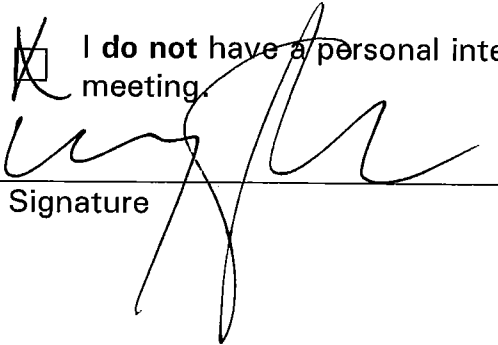
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

2/4/15
Date

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

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

1. Name: Carolyn B. Langelotti
2. Title: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting, February 4, 2015

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

2/4/15

Date

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

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

1. Name: Christopher Stone
2. Title: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting, February 4, 2015

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

Nature of Personal Interest Affected by Transaction:

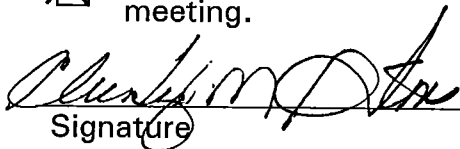
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

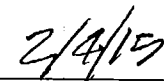
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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


Signature


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, February 4, 2015
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

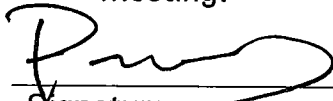
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

4 FEB '15

Date