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 June 18, 2008, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Architects

John S. Clark, Jr. J. Everette Fauber, III

Land Surveyors

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

Landscape Architects

Vaughn B. Rinner William H. Spell **Professional Engineers**

Stanley C. Harris, Sr. Wiley V. Johnson, III

Interior Designers

Lorri B. Finn Cameron C. Stiles

Board members Kenneth A. Schwartz and Nico De León were not present at the meeting.

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director

Mark N. Courtney, Deputy Director of Licensing and Regulation
Kathleen R. Nosbisch, Executive Director
Marian H. Brooks, Program Administrator
Michelle Gowen, Administrative Assistant
Earlyne Perkins, Legal Analyst

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

Mr. Harris, Chair, called the meeting to order at 9:00 a.m.

Call to Order

Mr. Clark moved to approve the agenda. Mr. McAden seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

Approval of Agenda

Mr. Courtney introduced the new Executive Director for the APELSCIDLA Board, Kathleen "Kate" R. Nosbisch.

Introduction of Executive Director

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

- Approval of Minutes
- February 27, 2008, Informal Fact-Finding Conference (Arch);
- March 19, 2008, APELSCIDLA Board Meeting;
- March 25, 2008, Informal Fact-Finding Conference (PE);
- May 5, 2008, Resource Guide Committee;
- May 6, 2008, Architects Section;
- May 13, 2008, Professional Engineers Section; and
- May 21, 2008, Land Surveyors Section.

Mr. Spell seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

Public Comment Period – Hamilton Palmer, Land Surveyor, was present to address the Board members in regards to land surveyors sealing plans which include the use of manufactured BMP's. Mr. Palmer stated that he has been using this practice since 1992 for local government work and recently he has been asked to produce something in writing from the Board stating that he is qualified to seal these plans.

Public Comment Period

Craig Moore was present to address the Board members concerning §§ 54.1-402.1 and 54.1-406.D of the *Code of Virginia* as well as the discussion topic of *Record Drawings*. Mr. Moore stated that these parts of the *Code* put undue burdens on state employees seeking licensure due to the experience requirements set forth in the regulations.

Robert Travers, Esquire, and Mr. Hassan were present to address the Board. Mr. Travers stated that Mr. Hassan did not mark his drawings as preliminary, which in fact was a violation of the Board's regulations. As soon as this complaint was brought to Mr. Hassan's attention, the discrepancy was corrected. Mr. Travers noted that Mr. Hassan was not clear on the requirements at that time. Mr. Hassan stated that he has implemented a training program at his office twice a year for all staff to be updated on Board regulations and the Code of Virginia.

Regarding File Number 2007-03878, Ahmed H. Hassan, the Board Members reviewed the record, the Consent Order as seen and agreed to by Mr. Hassan, and the presentation by Mr. Travers and Mr. Hassan. Mr. McAden moved to accept the Consent Order, in which Mr. Hassan neither admits nor denies, but which cites a violation of 18 VAC 10-20-760.B.2 of the Board's regulations. For this violation Mr. Hassan agrees to a fine in the amount of \$100.00 and Board costs in the amount of \$500.00 for a total monetary penalty of \$600.00. Mr. Johnson seconded the motion which was

File Number 2007-03878, Ahmed Hassan APELSCIDLA Board Meeting Minutes June 18, 2008 Page 3 of 8

unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, Rinner, Spell, Stephenson, and Stiles.

As the reviewing Board member, Ms. McIntyre was not present during the presentation, discussion, or vote.

Mr. Harris turned the position of Chair over to Ms. Stiles and recused himself from the meeting.

File Number 2008-03235, Daniel Ruby

Transfer of Chair

Mr. Ruby was present to address the Board. Mr. Ruby stated that he has a BS in Architecture from University of Maryland with three years of work experience in the field of architecture. Mr. Ruby noted that he expected to get his MS in engineering and have it count as his first professional degree for licensure as a PE (as it would towards licensure as an architect). Mr. Ruby believes his combination of education should be considered as a related science.

Regarding File Number 2008-03235, Daniel Ruby, 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 presentation of Mr. Ruby. Mr. Clark moved to accept the Summary and Recommendation as written and consider Mr. Ruby's application pursuant to 18 VAC 10-20-210.3 as a non-approved engineering degree of 4 years or more and that Ruby be allowed to sit for the Professional Engineers exam after he has successfully obtained one (1) additional year of progressive engineering experience for a total of six (6) years; therefore, his application is denied at this time. Mr. Johnson seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

As the presiding Board member Mr. Harris was not present during the discussion or vote.

Regarding File Number 2008-00846, Suresh R. Baral, the Board members reviewed the Consent Order as seen and agreed to by Mr. Baral. Ms. McIntyre moved to accept the Consent Order which cites the following violations of the Board's regulations: 18 VAC 10-20-740.D (Count 1); 18 VAC 10-20-760.B.1 (Count 2); 18 VAC 10-20-760.A (Count 3); 18 VAC 10-20-770 (Count 4); and 18 VAC 10-20-700.A (Count 5). For these violations, Mr. Baral agrees to the following monetary penalties: \$500.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; \$500.00 for the violation contained in Count 4; and \$500.00 for the violation contained in Count 5; as well as \$150.00 in Board costs for a total monetary penalty of

File Number 2008-00846, Suresh R. Baral APELSCIDLA Board Meeting Minutes June 18, 2008 Page 4 of 8

\$2,650.00. Mr. Baral also agrees to a two (2) year probation of his license during which time Mr. Baral agrees to the following: to comply with all rules and regulations of the APELSCIDLA Board; not be involved in any lawsuits at any level (which the Board interprets to mean a legal matter in which he is a defendant arising from his conduct in the field of engineering); and not be in violation of any state, local, or federal laws or regulations. Mr. Spell seconded the motion which was unanimously approved by members: Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

As the reviewing Board members, Mr. Harris and Mr. Clark were not present during the discussion or vote.

Mr. Harris returned to the meeting and resumed the position of Chair.

Mr. Letchford was present to address the Board. Mr. Letchford stated that the Consent Order he agreed to was in two parts concerning a verbal agreement with a past employer. Mr. Letchford knows that all contracts should be in writing and signed by both parties and will do so in the future. Mr. Letchford requested that the first part of the Consent Order be accepted and that he be given an opportunity to review the second part with the Sections and to return before the Board in the September meeting. Mr. Courtney clarified with Mr. Letchford that he did sign the Consent Order and asked him if he did not wish to enter into the Order at this time. Mr. Letchford noted that he was not aware he was able to speak to the Sections and he did not want to enter into the Consent Order.

Regarding File number 2007-02205, Stephen C. Letchford, the Board members reviewed the Consent Order as seen and agreed to by Mr. Letchford as well as the presentation by Mr. Letchford. Mr. Stephenson moved to reject the Consent Order and refer the matter to an Informal Fact-Finding Conference to be heard before Mr. McAden. Ms. McIntyre seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McIntyre, Rinner, Spell, Stephenson, and Stiles.

As the reviewing Board member, Mr. McAden was not present during the presentation, discussion, or vote.

Mr. Randall was present to address the Section and admit that he did sign and seal the plans in question that were prepared by a designer who was not under written contract. Mr. Randall noted that he reviewed the plans, the designer then corrected the plans per his instructions, and then he sealed the plans.

Transfer of Chair

File Number 2007-02205, Stephen C. Letchford

File Number 2008-02987, Daniel J. Randall

Regarding File Number 2008-02987, Daniel J. Randall, the Board

APELSCIDLA Board Meeting Minutes June 18, 2008 Page 5 of 8

members reviewed the Consent Order as seen and agreed to by Mr. Randall, and the presentation by Mr. Randall. Mr. Stephenson moved to accept the Consent Order which cites a violation of 18 VAC 10-20-760.A of the Board's regulations. For this violation Mr. Randall agrees to a monetary penalty of \$1,000.00 as well as \$150.00 in Board costs for a total monetary penalty of \$1,150.00. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

After reviewing the application and Agreement for Registration, Mr. Johnson moved to accept the Agreement for Registration as seen and agreed to by Fukui Architects, PC. Mr. McAden seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

Agreement for Registration 2008-03, Fukui Architects, PC

After reviewing the application and Agreement for Registration, Ms. McIntyre moved to accept the Agreement for Registration as seen and agreed to by RSL Commercial Architecture, Inc. Mr. Spell seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

Agreement for
Registration 200802, RSL
Commercial
Architecture, Inc.

After reviewing the application, Agreement for Registration, and the letter dated June 16, 2008, from J. Darrin Holt, PhD, PE, President of FDH Engineering, Inc., Mr. Clark moved to accept the Agreement for Registration as seen and agreed to by FDH Engineering, Inc. Mr. Stephenson seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

Agreement for Registration 2008-05, FDH Engineering, Inc.

The Board members were provided with a summarized list of the 761 comments received on the proposed continuing education regulations during the public comment period of March 3, 2008, to May 2, 3008. Mr. Courtney noted that the Sections would be provided with the comments at their meetings and the Board would be asked for a vote on the Board response at the September APELSCIDLA Board meting. The Board members discussed one of the comments received from several commentors regarding an inactive status of license or retired/emeritus status. Mr. Courtney and Mr. DeBoer agreed to work on this matter with Board counsel and bring it back for review at the Section meetings as well as at the next APELSCIDLA Board meeting.

Discussion of Final
Continuing
Education
Regulations

The Board members reviewed the summary of, and draft response to, the public comments. After discussion, Mr. Clark moved to adopt the response to the public comments as prepared by staff. Mr. Fauber seconded the motion which was unanimously approved by members: Clark, Fauber, Finn,

Consideration of Final ARE/IDP Regulations

APELSCIDLA Board Meeting Minutes June 18, 2008 Page 6 of 8

Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

The Board members reviewed the draft final regulations. After review, Mr. Fauber moved to adopt the final regulations. Mr. Fauber further moved to authorize staff, in conjunction with the Chair, to make any minor changes as necessary, on behalf of the Board, so that the regulations can be approved. Mr. Clark seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

The Board members took a break from 10:05 a.m. to 10:20 a.m.

Mr. Bert Jones was present from Department of General Services to give some background on this matter. After discussion, Mr. Fauber moved to approve the language submitted by Mr. Jones of DEB/DGS and clearly state that such Record Drawings shall not be sealed. Mr. Johnson seconded the motion which was approved unanimously by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

Mr. Spell left the meeting at 11:35 a.m.

After review and discussion, Mr. Fauber moved that Land Surveyors may be qualified to use manufactured BMP's which are not in closed systems. Mr. Clark seconded the motion which was approved by members: Clark, Fauber, Finn, McAden, McIntyre, Rinner, Stephenson, and Stiles. Mr. Harris and Mr. Johnson voted in opposition of the motion. The motion passed with a majority vote.

Mr. Stephenson informed the Board members of his conversation with Mr. Gary Thompson, Chairman of the North Carolina Land Surveyor Board, regarding 3D modeling for construction stakeout. North Carolina only had one harmful incident which led them to adopt a policy on 3D Modeling for construction stakeout. Mr. Stephenson noted that he does not see that this should cause the Board to take any action at this time.

Mr. Clark moved to nominate Cameron C. Stiles as Chair, and Nancy E. McIntyre as Vice-Chair, of the Board for the term beginning July 1, 2008, and ending June 30, 2009. Mr. Clark further moved that in the event that Ms. Stiles is not re-appointed as a Board member, Ms. McIntyre would assume the position as Chair and Ms. Finn would assume the position as Vice-Chair. Mr. Fauber seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson, and Stiles.

Break

Discussion of Record Drawings

Departure of Mr. Spell

Discussion of Use of
Land Surveyor's
Seal for Preparation
of Plans which
include BMP's

Discussion of North
Carolina Board
Action on 3D
Modeling for
Construction
Stakeout

Election of Officers

APELSCIDLA Board Meeting Minutes June 18, 2008 Page 7 of 8

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 April 2008 for informational purposes.

Review of Board Financial Statements

Mr. Clark moved to adopt the following resolution for service for Kenneth A. Other Business Schwartz:

Resolution To

Kenneth A. Schwartz

WHEREAS, Kenneth A. Schwartz 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 2004 to 2008;

WHEREAS, Kenneth A. Schwartz did devote generously of his time, talent and leadership to the Board;

WHEREAS, Kenneth A. Schwartz did endeavor at all times to render decisions 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 eighteenth day of June 2008, that **Kenneth A. Schwartz** 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.

Mr. Fauber seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Stephenson, and Stiles.

Mr. Courtney asked that the Board members authorize Ms. Nosbisch as an

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Associate Member of NCEES. Ms. McIntyre moved that Ms. Nosbisch be authorized as an Associate Member of NCEES for the APELSCIDLA Board. Mr. Stephenson seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

Mr. McAden moved that Ms. Nosbisch be authorized as the funded voting delegate for the NCEES Annual Meeting in August 2008. Mr. Stephenson seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Spell, Stephenson, and Stiles.

Mr. Courtney informed the Board members that Mr. Doyle Allen received the NCEES NE Zone award. Mr. Allen requested Mr. Courtney express his gratitude to the Board for the nomination. Mr. Courtney also noted that Mr. Sirine was not chosen to receive an NCEES award this year.

Conflict of Interest forms were completed by all members present.

Conflict of Interest

Forms

There being no further business, the meeting was adjourned at 12:00 p.m.

Adjourn

statiley of Harris, St., Chair

Jay W. DeBoer, Secretary

۱.	Name:	Wiley V. "Bif" Johnson, III	
2.	Title:	Board Member	
3.	Agency:	Professional Engineers Section/APELSCIDLA Board	
4.	Meeting/IFF Date:	Board Meeting June 18, 2008	
ō.	I have a personal in	terest in the following transaction:	
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	Nature of Personal I	nterest Affected by Transaction:	
		member of the following business, profession, , the members of which are affected by the transaction:	
	l am able to pa public interest.	rticipate in this transaction fairly, objectively, and in the	
	☐ I did not partic	ipate in the transaction.	
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	Signature	Date	
	Signature	,	

1.	Name:	Cameron C. Stiles
2.	Title:	Board Member
3.	Agency:	Interior Designers Section/APELSCIDLA Board
4.	Meeting/IFF Date:	Board Meeting June 18, 2008
5.	. I have a personal interest in the following transaction:	
		
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	or	
	☐ I did not partic	ipate in the transaction.
6.	I do not have a	personal interest in any transactions taken at this
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(Signature	Date

1.	Name:	W. R. "Steve" Stephenson, Jr.
2.	Title:	Board Member
3.	Agency:	Land Surveyors Section/APELSCIDLA Board
4.	Meeting/IFF Date:	Board Meeting June 18, 2008
5. I have a personal interest in the following transaction:		nterest 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:	
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	Signature	Date

1.	Name:	Stanley C. Harris
2.	Title:	Board Member
3.	Agency:	Professional Engineers Section/APELSCIDLA Board
4.	Meeting/IFF Date:	Board Meeting June 18, 2008
5.	I have a personal interest in the following transaction:	
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6.	I do not have a meeting.	personal interest in any transactions taken at this
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	Signature	Date

1.	Name:	Vaughn B. Rinner	
2.	Title:	Board Member	
3.	Agency:	Landscape Architects Section/APELSCIDLA Board	
4.	Meeting/IFF Date:	Board Meeting June 18, 2008	
5.	I have a personal interest in the following transaction:		
			
	Nature of Personal	nterest 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:		
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B .	I do not have a	a personal interest in any transactions taken at this	
	Signature Signature	6/18/2008 Date	

۱.	Name:	John R. McAden	
2.	Title:	Board Member	
3.	Agency:	Land Surveyors Section/APELSCIDLA Board	
4.	Meeting/IFF Date:	Board Meeting June 18, 2008	
5.	I have a personal in	nterest in the following transaction:	
	Nature of Personal	Interest Affected by Transaction:	
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6.	meeting.	a personal interest in any transactions taken at this	
	John R. Meaden	6 18 08	
	Signature	Date	

١.	Name:	William H. Spell
2.	Title:	Board Member
3.	Agency:	Landscape Architects Section/APELSCIDLA Board
1.	Meeting/IFF Date:	Board Meeting June 18, 2008
õ.	I have a personal interest in the following transaction:	
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	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:	
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1.	Name:	J. Everette "Ebo" Fauber, III
2.	Title:	Board Member
3.	Agency:	Architects Section/APELSCIDLA Board
4.	Meeting/IFF Date:	Board Meeting June 18, 2008
5.	I have a personal interest in the following transaction:	
	Nature of Personal	Interest Affacted by Transaction:
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	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:	
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1.	Name:	John S. Clark, Jr.
2.	Title:	Board Member
3.	Agency:	Architects Section/APELSCIDLA Board
4.	Meeting/IFF Date:	Board Meeting June 18, 2008
5.	. I have a personal interest in the following transaction:	
	Nature of Personal I	nterest Affected by Transaction:
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6.	I do not have a meeting.	personal interest in any transactions taken at this
	Signature . (16.18.08 Date

1.	Name:	Nancy E. McIntyre	
2.	Title:	Board Member	
3.	Agency:	Land Surveyors Section/APELSCIDLA Board	
4.	Meeting/IFF Date:	Board Meeting June 18, 2008	
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:		
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	Nature of Personal Interest Affected by Transaction:		
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5.	l have a p	ersonal int	terest in the following transaction:
4.	Meeting/IF	F Date:	Board Meeting June 18, 2008
			Interior Designers Section/APELSCIDLA Board
3.	Agency:		
	Title: Agency:		Board Member