

# ARCHITECTS SECTION MEETING

## MINUTES

The Architects Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on February 24, 2011, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

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

Staff present for all or part of the meeting were:

Gordon N. Dixon, Director  
Mark N. Courtney, Deputy Director of Licensing and Regulation Division  
Marian Brooks, Board Administrator  
Justin Garofalo, Board Administrator  
Amy Goobic, Administrative Assistant  
Earlyne Perkins, Legal Analyst

Mr. Boyd, Chair, called the meeting to order at 10:02 a.m.

Call to Order

Mr. Boyd advised the Section of the emergency evacuation procedures.

Emergency  
Evacuation  
Procedures

Mr. Fauber moved to approve the agenda. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Fauber and LeMay.

Approval of  
Agenda

There was no public comment.

Public Comment  
Period

Mr. Mullinax was present to address the Section. Mr. Mullinax reviewed information that was presented at the IFF, further explained the circumstances of disciplinary action taken against him in another state, and answered questions from the Section.

File Number 2010-  
01390, Thomas  
Mullinax

Regarding **File Number 2010-01390, Thomas Mullinax**, the Section 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. LeMay moved that the Board accept the recommendation of the presiding Board member and deny Mr. Mullinax's application for reinstatement of his architect license. Mr. Fauber seconded the motion which was unanimously approved by members: Fauber and LeMay.

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

Section members reviewed correspondence received from Mr. Emory Rodgers, DHCD and a draft of the response letter from the Board. Mr. Boyd stated that the response needed to refer to the building code and to the March 2011 Building and Fire Code Related Laws Package. Mr. Boyd does not feel that the letter received from Mr. Rodgers is consistent with the Code.

Review of  
Correspondence to  
Emory Rodgers,  
Department of  
Housing and  
Community  
Development

Mr. Fauber moved to have staff, along with Mr. Boyd, draft a more complete response to Mr. Rodgers for review by the full board at its March 22, 2011 meeting. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Fauber and LeMay.

Discussion was held on sealing record drawings and Section 1024.4 of the Construction & Professional Services Manual. The Section agreed that if a professional seals record drawings, but was not in direct control or supervision of the record drawings, the professional is violating APELSCIDLA regulations.

Discussion of  
Sealing Record  
Drawings-DGS

Mr. Garofalo informed the Section that Bert Jones, Department of General Services, was planning to attend the March 22, 2011 board meeting. Mr. Boyd stated that the subject could be discussed with Mr. Jones at the full board meeting. Mr. Courtney stated that he will provide past correspondence sent by the Board regarding sealing record drawings for reference. Mr. Jones will be notified of the discussion prior to the March 22<sup>nd</sup> meeting.

At the request of Nancy McIntyre, Land Surveyor and APELSCIDLA Board member, the Section reviewed correspondence she received regarding the preparation of topographic surveys as part of site plan development. Discussion was held on whether the surveys could be prepared by a professional, other than a surveyor, as incidental work. Discussion was also held regarding which specific professional should be responsible for signing and sealing an unregulated topographic survey is part of a site development plan. Mr. Garofalo informed the Section that the other sections discussed drafting a guidance document for clarification of 18VAC10-20-382.B.11. The guidance document will explain that 18VAC10-20-382.B.11 requires the name of the "professional" in the certification statement, because incidental surveying can be performed by professionals other than a surveyor. Further, the guidance document will cite 54.1-402.A1, A2 and C, along with 18VAC10-20-730.C and bring the concept of all those citations full circle. The Section agreed with the other sections, to have staff draft a guidance document for approval by the full board.

Discussion of  
Preparing  
Topographic  
Surveys as Part of  
Site Development  
Plan

The issue will be addressed when the new regulations become effective, as the Regulatory Review Committee made proposed changes to the

language.

Mr. Fauber reported that he made a motion at the NCARB Board meeting to require minutes from NCARB meetings be posted within two weeks. He stated that, at present, the process for approving and posting the minutes can take up to six months.

NCARB Update

Mr. Fauber also announced that NCARB would be hiring a new Executive Director. NCARB had four finalists for the position, the announcement will be made after the regional meetings and staff has been notified.

The Section discussed the NCARB Annual meeting in Washington, D.C. in June 2011. Mr. Boyd reported that all section members and Ms. Nosbisch should be able to attend through funding from NCARB and the Region.

The Section recessed from 11:55 a.m. to 12:13 p.m.

Recess

The Section reviewed proposed language for 18VAC10-20-740 and 18VAC10-20-760 as discussed by the PEs, Land Surveyors, Landscape Architects and Interior Designers at their respective section meetings. Discussion was held on the suggested changes including instances of more than one professional in charge of projects and handling of electronic documents.

Regulatory  
Review Update

The Section addressed concerns it has with non-licensed persons that offer professional services. The Section agreed that information needs to be disseminated so that the public is aware that non-licensed persons can be sanctioned by the Board. Discussion was held on including this topic in the regulations; Mr. Courtney informed the Section that the Code of Virginia does not allow the Board to promulgate regulations for non-licensed persons.

Mr. Boyd inquired as to whether the APELSCIDLA regulation requiring professionals to self-report violations also violate the 5<sup>th</sup> Amendment and self-incrimination. Mr. Courtney informed the Section that when the proposed regulations are submitted, they are reviewed by Board Counsel to ensure that nothing violates the U.S. Constitution or the Virginia Constitution.


There was no other business.

Other Business

Conflict of Interest forms were completed by all members present.

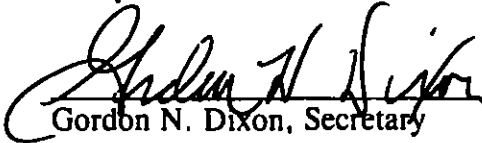
Conflict of  
Interest Forms

There being no further business, the meeting was adjourned at 2:15 p.m. **Adjourn**



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James R. Boyd, Chair



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Gordon N. Dixon, Secretary

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

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

1. Name: J. Everette "Ebo" Fauber, III  
2. Title: Board Member  
3. Agency: Architects Section/APELSCIDLA Board  
4. Meeting/IFF Date: Section Meeting February 24, 2011

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

2-24-11  
Date

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

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

1. Name: Michael F. LeMay  
2. Title: Board Member  
3. Agency: Architects Section/APELSCIDLA Board  
4. Meeting/IFF Date: Section Meeting February 24, 2011

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.

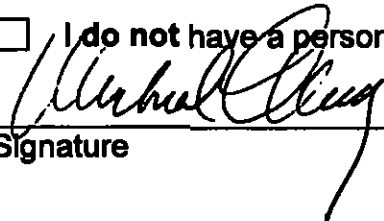
or

I did not participate in the transaction.

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

Signature

Date

  
\_\_\_\_\_

2/24/11  
\_\_\_\_\_

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

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

1. Name: James R. Boyd  
2. Title: Board Member  
3. Agency: Architects Section/APELSCIDLA Board  
4. Meeting/IFF Date: Section Meeting February 24, 2011

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

\_\_\_\_\_  
\_\_\_\_\_

Nature of Personal Interest Affected by Transaction:

THOMAS MULLINAX - I CHAIRED THE IFF  
\_\_\_\_\_

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

\_\_\_\_\_

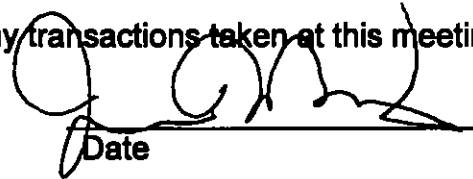
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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

2/24/11  
Signature

  
Date