

**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 12, 2019, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Architects

Robert Boynton
Mel Price
Christine Snetter

Land Surveyors

Doyle Allen
Vickie Anglin
Mike Zmuda

Landscape Architects

A. Cabell Crowther
Ann Stokes

Professional Engineers

James Kelly
Vinay Nair
Chris Stone

Interior Designers

Caroline Alexander
Cameron Stiles

Citizen Members

Hypatia Alexandria
Karen Reynes

Staff present for all or part of the meeting were:

Mary Broz-Vaughan, Acting Director
Kathleen (Kate) R. Nosbisch, Executive Director
Bonnie Davis, Administrative Assistant
Bonnie Adams, Director, Complaint Analysis & Resolution
Linda Rhodenhiser, Licensing Specialist, Post Adjudication and Licensing (PAL)
Tyler Weimorts, Licensing Specialist, Post Adjudication and Licensing (PAL)
Anne-Cabrie Forsyth, Licensing Specialist, Post Adjudication and Licensing (PAL)

Members of the audience:

Missy Sutton, Member Engagement Manager, Council of Landscape Architectural Registration Boards (CLARB)
Georg Dahl, Director, APELSCIDLA Representative, Virginia Society of Professional Engineers (VSPE)
Rob McGinnis, Member, Government Affairs Committee, American Society of Landscape Architects Virginia Chapter (VA ASLA)
John Palatiello, Executive Director, Virginia Association of Surveyors
Kevin Shreiner, President, Virginia Association of Surveyors (VAS)
Gary Faulhaber, First Vice President, Virginia Association of Surveyors
R. Corey Clayborne, Executive Vice President, American Institute of Architects (AIA Virginia)
Harry Falconer, Jr., Vice President Experience + Education, National Council of Architectural Registration Boards (NCARB)
Caitlin Stromberg, Manager Member Board Relations, NCARB

Elizabeth Peay, Assistant Attorney General, was present from the office of the Attorney General.

Ms. Stiles, Chair, called the meeting to order at 10:04 a.m.

Call to Order

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

**Emergency
Evacuation
Procedures**

Ms. Nosbisch reported Ms. Stokes and Ms. Alexandria would be late. She introduced: Mary Broz-Vaughan, Acting Director of DPOR; Vinay Nair, new Professional Engineer Board member, who will be observing the meeting; Missy Sutton, Member Engagement Manager of CLARB, and members of the audience.

**Welcome and
Introductions**

Mr. Boynton moved to approve the amended agenda. Mr. Stone seconded the motion which was unanimously approved by members: Alexander, Allen, Anglin, Boynton, Crowther, Kelly, Price, Reynes, Snetter, Stiles, Stone, and Zmuda. Mr. Nair abstained.

**Approval of
Agenda**

Mr. Stone moved to approve the minutes of the following meetings:

- December 5, 2018, APELSCIDLA Board Meeting
- December 5, 2018, Architects, Certified Interior Designers & Landscape Architects Section Meeting
- December 5, 2018, APELSCIDLA Recognition Ceremony
- February 5, 2019, Professional Engineers and Land Surveyors Section Meeting

**Approval of
Minutes**

Ms. Snetter seconded the motion which was unanimously approved by members: Alexander, Allen, Anglin, Boynton, Crowther, Kelly, Price, Reynes, Snetter, Stiles, Stone, and Zmuda. Mr. Nair abstained.

Ms. Stokes arrived the meeting at 10:12 a.m.

**Arrival of
Board
Member**

Mr. Palatiello commended the Board for the agenda containing a number of important issues, primarily the Locality Boundaries and (Geographic Information System) GIS White Paper. He stated HB1649/SB1594 was signed by the Governor a few weeks ago. Because there has been a long standing issue with Virginia county boundaries, the counties are trying to create an efficient method to handle the disputes. This bill will affect school districts, tax rates, voting districts, etc. GIS is not an accurate boundary; the real boundary is on the ground. He requested the Board to issue a guidance document to localities to explain what can and cannot be done under code regarding GIS.

**Public
Comment
Period**

Mr. Schreiner echoed Mr. Palatiello's comments. He stated his biggest concern is that this bill may set precedence. If localities use GIS for boundary solutions, this could trickle down to the public, where the public may think it is acceptable to use GIS for boundaries. He is concerned that the bill may be misconstrued and affect the health, safety and welfare of the public.

Mr. Faulhaber stated he echoed Mr. Palatiello and Mr. Schreiner's comments, and the inaccuracies can be three to five feet or more.

Regarding **File Number 2018-02705, Ram Lal Pradhan**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Pradhan. Mr. Crowther moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-760.B.4 (Count 1). For this violation, Mr. Pradhan agrees to pay the following monetary penalty: \$500 for the violation contained in Count 1, and \$150.00 in Board costs, for a total monetary penalty of \$650. Ms. Snetter seconded the motion which was unanimously approved by members: Alexander, Allen, Anglin, Boynton, Crowther, Kelly, Price, Reynes, Snetter, Stiles, Stokes, and Zmuda. Mr. Nair abstained. As the presiding Board member, Mr. Stone was not present for the discussion or vote.

File Number
2018-02705,
Ram Lal
Pradhan

Regarding **File Number 2019-01435, Eric Stephen Cheesic**, 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. Ms. Anglin moved to accept the recommendation of the presiding officer and deny Mr. Cheesic's application for professional engineer. Mr. Boynton seconded the motion which was unanimously approved by members: Alexander, Allen, Anglin, Boynton, Crowther, Kelly, Price, Reynes, Snetter, Stiles, Stokes, and Zmuda. Mr. Nair abstained. As the presiding Board member, Mr. Stone was not present for the discussion or vote.

File Number
2019-01435,
Eric Stephen
Cheesic

The Board reviewed the draft Related Technical Instruction (RTI) form. Ms. Alexander suggested the removal of "eight" from categories, and Ms. Anglin suggested the addition of "Photogrammetry" to the list of categories. Ms. Anglin moved to approve the RTI log with the noted changes. Mr. Stone seconded the motion which was unanimously approved by members: Alexander, Allen, Anglin, Boynton, Crowther, Kelly, Price, Reynes, Snetter, Stiles, Stokes, Stone, and Zmuda. Mr. Nair abstained.

Virginia
Surveyor
Apprentice-
ship
Standards –
DRAFT RTI
Form

Ms. Nosbisch stated Ms. Anglin received an inquiry regarding apprenticeship sponsors. The local Department of Labor and Industry (DOLI) representative stated there was not a viable program in Fairfax County. Ms. Eddington, Assistant Director, Division of Registered Apprenticeship, DOLI, replied in an email to Ms. Nosbisch that the Fairfax County Public Schools Adult and Community Education Surveying Program is approved to provide 600 of the 720 required RTI hours. She also stated that not all sponsors are listed in the DOLI website. The Board requested staff contact DOLI to determine why sponsors opt out of being listed on the website, and how does the Board know that DOLI has everything they need to for an approved program. The Land Surveyors determined an outline/step by step process to become a surveyor via the Virginia Surveyor Apprenticeship Standards should be developed. The Land Surveyors requested the item be placed on the Professional Engineers and Land Surveyors May 2, 2019 agenda and then be returned to the full Board meeting agenda for June 11, 2019.

DOLI / Land
Surveyor
Apprentice-
ship Program

Ms. Anglin provided an update on the change in datums. At the February 5, 2019 Professional Engineers and Land Surveyors Section meeting, she presented the proposed language, §55-287. Virginia Spatial Reference System which was approved by Virginia Association of Surveyors (VAS). At that meeting, Ms. Anglin requested input on Sections on §55-293. Position of Systems and §55-294. Limitation on Use of Systems. VAS will seek a patron to change the Code of Virginia.

**Change in
Datums
Update**

Mr. Palatiello, Mr. Shreiner, and Mr. Faulhaber addressed this item under Public Comment. Mr. Allen stated Mr. Palatiello presented the White Paper to the General Assembly, but the bill was passed. He stated the legislature is well intentioned at searching for an economical way to establish the boundary of counties. A boundary of any type must be established on the ground. A boundary established by GIS and one established on the ground are not one in the same. There will be problems and unforeseen consequences. The GIS boundaries will have an effect on the health, safety and welfare of the public. Ms. Anglin stated she has seen differences from two feet to fifteen feet in the two methods. As stated in Public Comment, this will affect school districts, voting, etc. The cost will be higher to fix it after the fact rather than having it surveyed from the beginning. Mr. Stone stated there will be unintended consequences. Ms. Price suggested a presentation using real data of two families moving into a neighborhood between two counties, where the families think they are in one school district, but according to GIS they will be in another school district. Mr. Palatiello stated Louisa and Goochland have still not used their authority to determine their boundary.

**Locality
Boundaries
and GIS
White Paper**

Ms. Alexandria, Board member, arrived to the meeting at 11:02 a.m.

**Arrival of
Board
Member**

Mr. Allen stated the Land Surveyor Section created a guidance document to help surveyors understand a problem he has seen his entire career. The Byrd Act created the Secondary Highway Systems in Virginia. He stated from the center of the road, fifteen feet each way for easement and maintenance to road, is misinterpreted. This guidance document clarifies it. Mr. Stone moved to approve the posting of the guidance document for the 30 day public comment period. Ms. Anglin seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Boynton, Crowther, Kelly, Price, Reynes, Snetter, Stiles, Stokes, Stone, and Zmuda. Mr. Nair abstained. The item will be placed on the Board agenda of the June 11, 2019 meeting.

**Guidance
Document on
§ 33.1-105
Evidence as to
Existence of a
Public
Highway**

At the December meeting, Ms. Webster, Director of Exams, stated the Land Surveyor State Specific and Land Surveyor B exams would go out for RFP. Ms. Nosbisch reported the RFP has not yet gone out. More information will be provided at the June 11, 2019 Board meeting.

**LS Exam
Update**

The explosion in the northeast region of the Merrimack Valley, Massachusetts was discussed at the December Board meeting and at the PE-LS Section meeting in February. It was noted that some states do not have an industrial exemption like

**NTSB Safety
Recommend-
ation Report**

Virginia. The Board discussed the pros and cons of the industrial exemption and to change the exemption would require a change in statute. Mr. Stone stated the exemption was discussed at the Virginia Engineers Conference. Mr. Stone will speak with the American Council of Engineering Companies (ACEC) and the Virginia Society of Professional Engineers (VSPE) regarding the need for a legislative change.

**Adopted
November 14,
2018**

Ms. Nosbisch reported the PE-LS Section meetings will now begin at 10:00 a.m.

**10:00 a.m.
Meeting Time**

The signing of wall certificates was discussed at the December Board meeting and improvements are in process. The item will be placed on the Board agenda of the June 11, 2019 meeting.

**Signing of
Wall
Certificates**

Ms. Nosbisch reported the following business entities were issued Business Agreements for Registration:

**Business
Agreements
Update**

- Kleinfelder Inc, License# 0407006943, signed December 12, 2018
- STV Inc., License# 0407003505, signed January 2, 2019
- United Structural Consultants Inc., License# 0407007517, signed January 11, 2019
- Backen Gilliam & Kroeger Architect A Professional Corp, License# 0405002259, signed February 6, 2019

This process allows businesses to begin doing business in a more timely manner rather than wait for a quarterly Board meeting.

There were no requests for waiver of continuing education.

**Request for
CE Waiver
Update**

Some bills for deregulation were submitted in direct response to the JLARC report; they did not pass. Ms. Broz-Vaughan stated legislation that passed amended the required Callahan Act percentage to increase to twenty percent instead of ten percent and stated if the board goes above, it must issue refunds. She also spoke about the Board for Professional Regulation is required to study new regulations of professions during open session.

**JLARC /
General
Assembly
Update**

Ms. Broz-Vaughan reported that the agency is moving forward with technological advancements as recommended in the report. She informed the Board that a “quick pay” feature had been added to the website, making renewal payments easier. Ms. Broz-Vaughan stated that the feature went live March 3, 2019 at 10:00 am, and as of 9:00 am March 4, 2019, 55 licensees has renewed their license using the new feature.

Ms. Nosbisch stated there is nothing new to report on the existing regulatory package at this time.

**Regulatory
Update**

Ms. Stiles reviewed the licensee counts as of February 1, 2019: APELSCIDLA Businesses 4,283; Architects 7,438; Engineers 29,212; Land Surveyors 1,269; Land Surveyors B 75; Land Surveyor Photogrammetrists 119; Interior Designers 497; and Landscape Architects 935.

Licensed and Certified Population

Ms. Nosbisch stated the financial statements were provided for informational purposes.

Financial Statements

Ms. Nosbisch introduced Corey Clayborne, Executive Vice President, AIA Virginia; Harry Falconer, Jr., Vice President Experience + Education; and Caitlin Stromberg, Manager Member Board Relations both of NCARB.

NCARB Updates

Mr. Boynton stated there were more attendees at the NCARB Regional Summit last week than at the National meeting because NCARB provided funding for four attendees from each board. Ms. Snetter attended the Summit and took part in discussions on the future of the profession and how jurisdictions will prepare for it. Ms. Alexandria stated the Summit provided information on jurisdictional challenges and potential solutions, working together, and diversity.

Mr. Falconer stated NCARB is celebrating their 100th anniversary, and their office just moved to a new location: 1401 H Street, NW, Suite 500, Washington DC 20005.

Ms. Nosbisch reported she is on the Model Law Task Force; Virginia uses Model Law as a guideline.

The Board recessed from 11:45 a.m. until 12:00 p.m.

Recess

Ms. Nosbisch announced NCEES will be celebrating its 100th anniversary in 2020, and APELS will be celebrating its 100th anniversary in 2020.

NCEES Updates

The Board discussed Charge 5 Memorandum of Understanding (MOU). Ms. Anglin moved not to approve the Professional Engineering and Surveying Interstate Licensure MOU. Mr. Zmuda seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Boynton, Crowther, Kelly, Price, Reynes, Snetter, Stiles, Stokes, Stone, and Zmuda. Mr. Nair abstained.

The Board noted the 2019 approved list of calculators for the NCEES exams.

Mr. Zmuda reported he attended the NCEES Board Presidents' Assembly in February for the first time. He stated there were many updates, and it allowed him the time to speak with other boards.

Mr. Stone presented to approximately 130 attendees at the Virginia Engineers Conference on March 5-6th. He provided information on the APELSCIDLA regulations.

Virginia Engineers Conference March 5-6,

2019

Ms. Stiles reported Ms. Nosbisch and Ms. Broz-Vaughan met with Brian Soukup Esq, Vice President, Government and Public Affairs of the American Society of Interior Designers (ASID), and Emily Kelly, Director of Advocacy, Public Policy, and Legislative Affairs, International Interior Designer Association (IIDA) to discuss the JLARC report and the effect on interior designers.

**CIDQ
Updates**

Ms. Sutton stated CLARB:

- Is tracking legislation and deregulatory efforts in all but four states in North America
- Developed and administer the national exam; went fully computer based in 2012; future virtual reality take exam
- Is participating in national and federal coalitions to ensure continued regulation of the design professions; create smart regulation; support advocacy
- Is providing training, networking and information sharing opportunities for members; encouraged all board members to attend CLARB events, not just landscape architects

**CLARB
Updates**

Ms. Nosbisch noted that CLARB accomplishes so much with such a small staff; Ms. Sutton stated there are only ten full time employees and five part time employees.

The Board discussed a response template to solicitations for unlicensed work. Ms. Nosbisch stated a response template should not be sent out as a Board, but can be sent as an individual. Mr. Stone inquired about a cease and desist letter for unlicensed activity. Ms. Broz-Vaughan stated a letter from the agency, rather than the Board, was addressed in a bill approved by the General Assembly this year. The item will be placed on the Board agenda of the June 11, 2019 meeting for follow up.

**Other
Business**

Ms. Nosbisch noted Ms. Crowther's second term, Ms. Price's unexpired term, and Mr. Allen's first term are ending in June 2019. Ms. Price and Mr. Allen were advised to contact the Secretary's office if they wish to seek reappointment. Anyone interested in serving on the Board, may complete an application online for the landscape architect, architect, and land surveyor positions.

Ms. Nosbisch stated legislation was introduced in Maine which would provide immunity from civil liability when they volunteer their professional services in the wake of a natural disaster or catastrophe. There was a general inquiry as to which jurisdictions have something similar. In Virginia, Ms. Broz Vaughan referred to the Good Samaritan Law § 8.01-225, in Virginia.

Ms. Nosbisch stated that a legislative bill was recently introduced in California that proposes to add a requirement for businesses that offer surveying services to apply to the Board and receive a Certificate of Authority to offer those services. There was a general inquiry to jurisdictions if COA's benefit surveyors. Mr. Allen stated

it does benefit the responsible charge; you have to designate the surveyor in charge for that office. This has not hindered surveying. There were additional questions as to how much manpower/effort does it take to manage the operations solely related to processing, maintaining, and enforcing this requirement. It varies as we issue COAs for five different professions, and we share enforcement services. Also, there was an inquiry as to fees for COA's. The fees in Virginia are as follows:

Business	Initial Registration	Renewal (every 2 years)
Professional Corporation (PC)	\$ 30	\$ 25
Professional Limited Liability Company (PLLC)	\$ 100	\$ 50
Business Entity other than PC or PLLC	\$ 100	\$ 50

Ms. Nobsch thanked the Board members for completing their yearly statement of economic interests (SEI).

Statement of Economic Interest

Conflict of Interest forms and travel vouchers were completed by all Board members present.

Conflict of Interest Forms/ Travel Vouchers

Ms. Price provided a presentation on "A Day in the Life of an Architect." The Board members thanked her for her presentation.

Day in the Life of an Architect

Ms. Anglin received an email asking if a drone company can sell aerial photography and/or LIDAR type point data to an engineering/surveying company for design purposes in Virginia without a photogrammetrist/land surveyor's licensed person on staff. The Board noted that selling imagery to a licensed surveyor to reduce and create a design product is acceptable. Collecting imagery and reducing with a regulant on staff is not acceptable. The Board requested staff to draft an answer to the email and circulate it for changes.

Other Business continued

The meeting was adjourned at 1:32 p.m.

Adjourn

Cameron Stiles, Chair

Mary Broz-Vaughan, Acting Secretary