

APELSCIDLA BOARD MEETING AGENDA
September 10, 2019
10:00 a.m. – BR2 – 2nd Floor
Department of Professional & Occupational Regulation
9960 Mayland Drive
Richmond, Virginia 23233
(804) 367-8514

1. Call to Order
2. Emergency Evacuation Procedures
3. Welcome and Introductions
4. Approval of Agenda
5. Approval of Minutes
 - July 2, 2019, APELSCIDLA Board Meeting
 - July 2, 2019, Architects, Certified Interior Designers & Landscape Architects Section Meeting
 - July 12, 2019, APELSCIDLA Public Hearing
 - August 8, 2019, Professional Engineers and Land Surveyors Section Meeting
6. Public Comment Period*
7. Review of Files
 - File Number 2019-00264, Douglas Meredith, Jr. IFF (Zmuda and Allen) – Disciplinary
 - File Number 2019-02825, Cody James Donnally IFF (Zmuda) – Licensing
 - File Number 2019-01308, Gerald Thomas Wynne CO (Stone) – Disciplinary
 - File Number 2018-02237, Charlie S. Choe IFF (Boynton and Kelly) – Disciplinary
 - File Number 2019-02827, Maurey Eugene Williams, Jr. IFF (Kelly) – Licensing
 - File Number 2019-03007, Saeideh Fahoul IFF (Kelly) – Licensing
 - File Number 2019-02843, Kayoumars Bakhtar

IFF (Johnson) – Licensing

8. Signing and Sealing of BMP As-Built Plan Language and DEQ Discussion
9. Right of Entry, Property, Prescriptive Right of Easements, & Metes and Bounds Update
10. Land Surveyor Apprenticeship Program Update
 - Fairfax County Public Schools Adult and Community Education Land Surveyors Apprenticeship Program letter dated August 26, 2019
11. Drone Companies Selling Data for Design Purposes Letter Follow Up
 - Requirements for Use of Topographic Surveys Guidance Document revised September 15, 2015
12. VA DGS Drone Services Procurement email from VAS dated August 21, 2019
 - State Agencies Gain Greater Access to Unmanned Aerial Systems (UAS) Services, article from Globe Newswire, August 15, 2019
13. Change in Datums Update
14. National Geodetic Survey Standards – Letter regarding Louisa/Goochland County Line
15. Alliance for Responsible Professional Licensing (ARPL)
16. Business Agreements Update
17. Request for CE Waiver Update
18. Regulatory Update
19. Periodic Regulatory Review
20. Merit
21. Licensed and Certified Population
 - Approved Applications for 2016 - 2018
 - Regulant Counts as of the 1st of each month 2016 - 2019
22. Licensing Celebration
23. Application Forms
 - Architect
 - Certified Interior Designer
 - Landscape Architect

24. Sanctions
25. Section Chairs
26. Financial Statements
27. NCARB Updates
 - Region 2 Legal Outreach, August 21
 - Model Law Task Force, August 22-25
28. NCEES Updates
 - Draft Resolution of Cooperation to Facilitate Interstate Licensure for PE's and PS's
 - Email dated August 23, 2019 regarding the above
 - LS Exam
 - Annual Meeting, August 14-17
29. CIDQ Updates
 - Annual Conference, November 8-9
30. ASLA Meeting, September 20-21
31. CLARB Updates
 - Foresight, Parts 1-4
 - Annual Meeting, September 26-28
32. Board Future – What will our Board/Licensure Look like a Decade from Now?
33. Other Business
34. Conflict of Interest / Travel Vouchers
35. Day In the Life of an Landscape Architect – Ann Stokes
36. Adjourn
 - Arch-CID -LA Section meeting upon adjournment
 - File review upon adjournment

NEXT MEETING SCHEDULED FOR November 6, 2019

Agenda materials available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.

**Five minute public comment, per person, with the exception of any open disciplinary or application files. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8514 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.*

Call to Order

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

Emergency Evacuation Procedures

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Welcome & Introductions

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Approval of Minutes

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**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 July 2, 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
Christine Snetter

Professional Engineers

James Kelly
Chris Stone

Land Surveyors

Doyle Allen
Mike Zmuda

Interior Designers

Caroline Alexander
Cameron Stiles

Landscape Architects

Ann Stokes

Citizen Members

Hypatia Alexandria

Board members, Mel Price, Vickie Anglin, A. Cabell Crowther, Vinay Nair, and Karen Reynes, were not present for the meeting with regrets.

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
Susan Garbini, Legal Analyst, Complaint Analysis & Resolution (CAR)
Theresa Varnier, Licensing Specialist, Post Adjudication and Licensing (PAL)

Members of the audience:

Georg Dahl, Director, APELSCIDLA Representative, Virginia Society of Professional Engineers
Jeff Palmore, Counsel of Reed Smith
Dylan Avatar, Director of Business Development at Merit
Matthew Hansen, Senior Engineer at Fairfax County Government
Sean Peiffer, Senior Staff Engineer of Engineers and Surveyors Institute

Elizabeth Peay was not present with regrets.

Jim Flaherty, Assistant Attorney General, was present from the Office of the Attorney General.

Ms. Stiles, Chair, called the meeting to order at 10:02 a.m. She stated a quorum was not present yet due to the fact a few board members were running late because of a traffic accident. Ms. Stiles stated action items would be moved to later on the **Call to Order**

agenda when a quorum is reached.

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

**Emergency
Evacuation
Procedures**

Ms. Stiles requested a moment of silence for the Virginia colleagues who were victims of the Virginia Beach Department of Public Utilities tragedy that occurred on May 31, 2019.

**Moment of
Silence for
Virginia
Colleagues**

Ms. Nosbisch introduced Georg Dahl, Jeff Palmore, Dylan Avatar, Matthew Hansen, and Sean Peiffer. She stated Mr. Flaherty is covering for Ms. Peay.

**Welcome and
Introductions**

Mr. Dahl thanked the Board for recognizing victims who were professional licensees of the Board.

**Public
Comment
Period**

Mr. Avatar provided information on DPOR working with Merit to provide streamlined professional licensing credentials across Virginia. Regulants will be able to centrally manage all of their industry credentials and share it with organizations and individuals. It was noted this is not mandatory for regulants. DPOR is making strides in technology, driving efficiency towards licensure.

**SIGMA
Presentation**

Ms. Alexander and Ms. Alexandria arrived to the meeting at 10:14 a.m.

**Arrival of
Board
Members**

Ms. Snetter and Ms. Stokes arrived to the meeting at 10:22 a.m.

Mr. Stone moved to approve the amended agenda. Mr. Allen seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Boynton, Kelly, Snetter, Stiles, Stokes, Stone, and Zmuda.

**Approval of
Agenda**

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

- March 12, 2019, APELSCIDLA Board Meeting
- March 12, 2019, Architects, Certified Interior Designers & Landscape Architects Section Meeting
- May 9, 2019, Professional Engineers and Land Surveyors Section Meeting

**Approval of
Minutes**

Mr. Kelly seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Boynton, Kelly, Snetter, Stiles, Stokes, Stone, and Zmuda.

Regarding **File Number 2018-03048, Michael Ray Richwine**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Richwine. Mr. Stone moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC10-20-790.6 (Count 1) and 18VAC10-20-740.E (Count 2). For these violations, Mr. Richwine agrees to pay the following monetary penalty: \$500 for the violation contained in Count 1 and \$500 for the

**File Number
2018-03048,
Michael Ray
Richwine**

violation contained in Count 2, and \$150.00 in Board costs, for a total monetary penalty of \$1,150. In addition for violations of Counts 1 and 2, Mr. Richwine agrees to terminate his license. Mr. Boynton seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Boynton, Kelly, Snetter, Stiles, Stokes, Stone, and Zmuda.

Regarding **File Number 2019-01954, Tyler Andrew Beach**, 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. Mr. Allen moved to accept the recommendation of the presiding officer and deny Mr. Beach's application for professional engineer. Ms. Snetter seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Boynton, Kelly, Snetter, Stiles, Stokes, and Zmuda. As the presiding Board member, Mr. Stone was not present for the discussion or vote.

File Number
2019-01954,
Tyler Andrew
Beach

Regarding **File Number 2019-01955, Colin D. Reilly**, 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. Mr. Kelly moved to accept the recommendation of the presiding officer and deny Mr. Reilly's application for professional engineer. Mr. Boynton seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Boynton, Kelly, Snetter, Stiles, Stokes, and Zmuda. As the presiding Board member, Mr. Stone was not present for the discussion or vote.

File Number
2019-01955,
Colin D.
Reilly

Regarding **File Number 2019-02262, Eric Michael Sears**, 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. Mr. Kelly moved to accept the recommendation of the presiding officer and approve Mr. Sears's application for professional engineer. Mr. Boynton seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Boynton, Kelly, Snetter, Stiles, Stokes, and Zmuda. As the presiding Board member, Mr. Stone was not present for the discussion or vote.

File Number
2019-02262,
Eric Michael
Sears

Regarding **File Number 2019-01994, Edward Alford Hickey, Jr.**, Ms. Nobsich read permissible excerpts from a letter dated May 26, 2019 Mr. Hickey sent to the Board, as he could not be present today. 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. Mr. Boynton moved to accept the recommendation of the presiding officer and deny Mr. Hickey's application for land surveyor. Mr. Stone seconded the motion which was unanimously approved by members: Alexander, Alexandria, Boynton, Kelly, Snetter, Stiles, Stokes, Stone, and Zmuda. As the presiding Board member, Mr. Allen was not present for the discussion or vote.

File Number
2019-01994,
Edward
Alford
Hickey, Jr.

Ms. Nosbisch read the press release, Governor Northam Signs Legislation Strengthening Virginia's Apprenticeship Programs. Ms. Nosbisch stated Patricia Morrison, Director, Division of Registered Apprentices, Department of Labor and Industry (DOLI), provided assistance in meeting the DOLI requirements to become a registered apprenticeship program. Mr. Stone moved to approve the Outline of Steps to Become a Land Surveyor Apprentice. Ms. Stokes seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Boynton, Kelly, Snetter, Stiles, Stokes, Stone, and Zmuda.

DOLI
/Virginia
Surveyor
Apprentice-
ship Program

Mr. Allen moved to approve the Virginia Surveyor Registered Apprentice Standards. Mr. Boynton seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Boynton, Kelly, Snetter, Stiles, Stokes, Stone, and Zmuda.

Ms. Alexander moved to approve the Related Technical Instruction form. Mr. Boynton seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Boynton, Kelly, Snetter, Stiles, Stokes, Stone, and Zmuda.

Ms. Nosbisch stated the guidance document was approved by the Board, but then it was noted that it was not the Board's guidance document to approve because it contained a Virginia Department of Transportation (VDOT) regulation. The Professional Engineers and Land Surveyors' Section discussed it at their meeting on May 9, 2019 and tried to remove it, but public comment had already closed, with no comments. The Section recommended asking VDOT to consider releasing an Internal Memorandum (IM) regarding the regulation.

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

Mr. Stone moved to ask VDOT to consider releasing an IM regarding the regulation. Mr. Stone seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Boynton, Kelly, Snetter, Stiles, Stokes, Stone, and Zmuda.

The Board reviewed the hand carried revised letter regarding drone companies selling data for design purposes. Mr. Boynton moved to approve the revised letter. Mr. Allen seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Boynton, Kelly, Snetter, Stiles, Stokes, Stone, and Zmuda.

DRAFT
Drone
Companies
Selling Data
for Design
Purposes
Letter

A discussion took place on whether or not the letter should become a guidance document and be placed on the APELSCIDLA website and in the APELSCIDLA newsletter. Mr. Allen requested the letter be placed on the August PE-LS Section agenda for further discussion.

The Board reviewed the hand carried revised wall certificates. The Board agreed by consensus that the changes to the signatures of the wall certificates were acceptable.

Signing of
Wall
Certificates

Ms. Nobsisch presented the 2020 meetings dates. Mr. Allen moved to adopt the following meeting dates for 2020:

DRAFT 2020
Meeting
Schedule

Date	Board
February 4, 2020	PE-LS
March 17, 2020	APELSCIDLA
March 17, 2020	Arch-CID-LA
May 6, 2020	PE-LS
June 2, 2020	APELSCIDLA
June 2, 2020	Arch-CID-LA
August 5, 2020	PE-LS
September 1, 2020	APELSCIDLA
September 1, 2020	Arch-CID-LA
November 4, 2020	PE-LS
December 1, 2020	APELSCIDLA
December 1, 2020	Arch-CID-LA

Mr. Kelly seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Boynton, Kelly, Snetter, Stiles, Stokes, Stone, and Zmuda.

Ms. Nobsisch informed the Board that according to the rotation policy, the Vice-Chair assumes the position of Chair and then a board member from the next profession is elected Vice-Chair. Ms. Nobsisch opened the floor for nominations for Board Chair. Mr. Stone nominated Mr. Zmuda, current Vice-Chair, as Chair. Mr. Allen seconded the motion. Mr. Zmuda accepted the nomination. Ms. Nobsisch asked if there were any additional nominations for Board Chair. There being none, Ms. Nobsisch closed the floor for nominations. The motion was unanimously approved by: Alexander, Alexandria, Allen, Boynton, Kelly, Snetter, Stiles, Stokes, Stone, and Zmuda. By acclamation, Mr. Zmuda was name Board Chair.

Election of
Chair, Vice
Chair, and
Section
Chairs

As the Architects are the next profession in the rotation, Ms. Nobsisch opened the floor for nominations for Board Vice-Chair. Mr. Boynton moved to nominate Ms. Snetter as Vice-Chair. Ms. Stokes seconded the motion. Ms. Snetter accepted the nomination. Ms. Nobsisch asked if there were any additional nominations for Board chair. There being none, Ms. Nobsisch closed the floor for nominations. Mr. Boynton moved to approve the nomination of Ms. Snetter as Board Vice Chair. The motion was unanimously approved by members: Alexander, Alexandria, Allen, Boynton, Kelly, Snetter, Stiles, Stokes, Stone, and Zmuda. By acclamation, Ms. Snetter was named Board Vice Chair.

The RFP to outsource the Land Surveyor Exam and Land Surveyor-B Exam has not yet been awarded; the contract will be effective January 1, 2020.

LS Exam
Update

Ms. Nosbisch stated this item was discussed at the May 9, 2019 PE-LS Section meeting. She stated Governor Baker signed emergency legislation requiring licensed Professional Engineers sign and seal plans for utility work before it's done, rather than leaving the review to people with engineering backgrounds who are uncertified. Mr. Stone will be following up with VSPE and ACEC regarding this matter.

**NTSB Safety
Recommendation Report
Adopted
November 14,
2018**

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

**Business
Agreements
Update**

- TE, Inc. t/a TEI of WA Inc., License# 407007580 Signed 3/22/19
- James F. Turner Engineers LP, License# 407007560 Signed 4/30/19
- Snowden Engineering, Inc., License# 407007607 Signed 5/16/19
- Siemens Industry, Inc., License# 407005951 Signed 5/22/19
- The Consulting Engineers Group-FL, Inc., License# 407007622 Signed 5/24/19

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**

Ms. Nosbisch stated the Governor signed the regulatory package on June 5th; public comment is July 8-September 6, and there is a public hearing on July 12, 2019. It was noted that the Board's meeting on September 10, 2019 is too soon to address public comment. The Board agreed by consensus to move the December 12, 2019 Board and Arch-CID-LA Section meetings to November 6, 2019 following the PE-LS Section meeting at 9 am. The Board will address periodic review comments at the September 10, 2019 Board meeting; and address regulatory review comments on November 6, 2019.

**Regulatory
Update**

The Board reviewed the Compliance & Investigations Policy #800-05 Notice of Cease and Desist effective July 1, 2019. It was noted neither DPOR, nor the Board, has jurisdiction over entities outside of Virginia. Mr. Flaherty stated that if this topic becomes an issue, it can be discussed during the attorney generals' monthly conference call. This is an agency wide policy that is in place; and investigative staff has been trained on the implementation of the policy. If DPOR has clear legal authority, the Agency will investigate, but there must be sufficient cause supporting the action.

**Cease and
Desist Letters**

Ms. Stiles reviewed the licensee counts as of June 1, 2019: APELSCIDLA Businesses 4,465; Architects 7,441; Engineers 29,399; Land Surveyors 1,285; Land Surveyors B 72; Land Surveyor Photogrammetrists 121, Interior Designers 498;

**Licensed and
Certified
Population**

and Landscape Architects 940. Numbers from last quarter as well as numbers from last year will be placed on the September 10, 2019 Board agenda.

Ms. Nobsisch stated the list of acronyms was provided for informational purposes.

**List of
Acronyms**

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

**Financial
Statements**

Ms. Nobsisch stated 26 of 29 living past NCARB presidents, including APELSCIDLA Board member Bob Boynton, attended the NCARB Annual meeting in June. She stated there were breakout groups to form one new idea to focus on; the group chose communication to schools and clearer instructions on applications. Mr. Boynton and Ms. Nobsisch were awarded the President's Medal for Distinguished Service, the highest honor NCARB bestows.

**NCARB
Updates**

In 2020, NCEES will move to Greenville, South Carolina, and it is also its centennial anniversary. Fall 2019 NCEES Pencil and Paper Registration deadline is September 3, 2019. Mr. Allen stated the PS exam is under consideration to be restructured into five sections; it has not received any opposition to date.

**NCEES
Updates**

CIDQ is conducting an officer election, and Ms. Stiles submitted an application for consideration. Ms. Nobsisch will seek approval for Ms. Stiles to attend the CIDQ Annual Conference in November 2019.

**CIDQ
Updates**

Ms. Nobsisch will seek approval for Ms. Stokes to attend the CLARB Annual Meeting in September 2019.

**CLARB
Updates**

Ms. Nobsisch read the following resolutions for consideration by the Board:

Resolutions

RESOLUTION IN MEMORY OF

Tara Welch Gallagher

WHEREAS, Tara Welch Gallagher faithfully and diligently served as a licensed Professional Engineer in the Commonwealth of Virginia from January 5, 2009 to May 31, 2019; and

WHEREAS, Tara Welch Gallagher endeavored at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and this profession; and

WHEREAS, the APELSCIDLA Board is grateful for the dedication and service of Tara Welch Gallagher to the citizens of the Commonwealth; and

WHEREAS, the APELSCIDLA Board expresses sympathy in the passing of Tara Welch Gallagher which occurred on May 31, 2019;

NOW THEREFORE BE IT RESOLVED, this second day of July 2019, that the APELSCIDLA Board expresses utmost regard and respect for Tara Welch Gallagher and her professional legacy; and, so that all may know of the Board's expression of condolences, it is ORDERED this resolution be made a part of the official minutes of the Board and that a copy hereof be presented to the family of Tara Welch Gallagher.

RESOLUTION IN MEMORY OF

Richard H. Nettleton

WHEREAS, Richard H. Nettleton faithfully and diligently served as a licensed Professional Engineer in the Commonwealth of Virginia from February 4, 1982 to May 31, 2019; and

WHEREAS, Richard H. Nettleton endeavored at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and this profession; and

WHEREAS, the APELSCIDLA Board is grateful for the dedication and service of Richard H. Nettleton to the citizens of the Commonwealth; and

WHEREAS, the APELSCIDLA Board expresses sympathy in the passing of Richard H. Nettleton which occurred on May 31, 2019;

NOW THEREFORE BE IT RESOLVED, this second day of July 2019, that the APELSCIDLA Board expresses utmost regard and respect for Richard H. Nettleton and his professional legacy; and, so that all may know of the Board's expression of condolences, it is ORDERED this resolution be made a part of the official minutes of the Board and that a copy hereof be presented to the family of Richard H. Nettleton.

RESOLUTION IN MEMORY OF

Katherine Anne Marie Lusich Nixon

WHEREAS, Katherine Anne Marie Lusich Nixon faithfully and diligently served as a licensed Professional Engineer in the Commonwealth of Virginia from February 25, 2010 to May 31, 2019; and

WHEREAS, Katherine Anne Marie Lusich Nixon endeavored at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and this profession; and

WHEREAS, the APELSCIDLA Board is grateful for the dedication and service of

Katherine Anne Marie Lusich Nixon to the citizens of the Commonwealth; and

WHEREAS, the APELSCIDLA Board expresses sympathy in the passing of Katherine Anne Marie Lusich Nixon which occurred on May 31, 2019;

NOW THEREFORE BE IT RESOLVED, this second day of July 2019, that the APELSCIDLA Board expresses utmost regard and respect for Katherine Anne Marie Lusich Nixon and her professional legacy; and, so that all may know of the Board's expression of condolences, it is ORDERED this resolution be made a part of the official minutes of the Board and that a copy hereof be presented to the family of Katherine Anne Marie Lusich Nixon.

RESOLUTION IN MEMORY OF

Christopher Kelly Rapp

WHEREAS, Christopher Kelly Rapp faithfully and diligently served as a licensed Professional Engineer in the Commonwealth of Virginia from July 14, 1999 to May 31, 2019; and

WHEREAS, Christopher Kelly Rapp endeavored at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and this profession; and

WHEREAS, the APELSCIDLA Board is grateful for the dedication and service of Christopher Kelly Rapp to the citizens of the Commonwealth; and

WHEREAS, the APELSCIDLA Board expresses sympathy in the passing of Christopher Kelly Rapp which occurred on May 31, 2019;

NOW THEREFORE BE IT RESOLVED, this second day of July 2019, that the APELSCIDLA Board expresses utmost regard and respect for Christopher Kelly Rapp and his professional legacy; and, so that all may know of the Board's expression of condolences, it is ORDERED this resolution be made a part of the official minutes of the Board and that a copy hereof be presented to the family of Christopher Kelly Rapp.

The Board members agreed to the resolutions by consensus. Ms. Nosbisch read a note from the Louisiana Board offering its condolences.

The Board recessed from 12:14 p.m. until 12:31 p.m.

Recess

Ms. Alexandria and Mr. Flaherty left the meeting at 12:14 p.m.

**Departure of
Board**

Member and Staff

There was none.

Other Business

Ms. Nosbisch stated there will be an agency-wide board member orientation October 3-4, 2019 at the Doubletree at Koger Center in Midlothian. She asked board members to save the date. Attendance is not mandatory; however, board members are encouraged to take advantage of this opportunity.

Agency-wide Board Member Orientation

The Architects, Professional Engineers and Land Surveyors Board will celebrate its centennial June 2020.

APELS Centennial

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

Conflict of Interest Forms/ Travel Vouchers

This item was tabled until the September 10, 2019 Board meeting.

Day in the Life of a Landscape Architect

The meeting was adjourned at 12:44 p.m.

Adjourn

Cameron Stiles, Chair

Mary Broz-Vaughan, Acting Secretary

DRAFT AGENDA
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DRAFT AGENDA

**ARCHITECTS, CERTIFIED INTERIOR DESIGNERS and
LANDSCAPE ARCHITECTS SECTION MEETING**

MINUTES

The Architect, Certified Interior Designer and Landscape Architect Sections of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on July 2, 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:

Caroline Alexander (CID)
Robert A. Boynton (Arch)
Christine Snetter (Arch)
Cameron Stiles (CID)
Ann Stokes (LA)

Board members, A. Cabell Crowther (LA) and Mel Price (Arch), were not present for the meeting with regrets.

Staff present for all or part of the meeting were:

Kathleen (Kate) R. Nosbisch, Executive Director
Bonnie Davis, Administrative Assistant

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

Ms. Alexander, Section Chair, called the meeting to order at 12:56 p.m.

Call to Order

Mr. Boynton moved to approve the agenda. Ms. Stokes seconded the motion which was unanimously approved by members: Alexander, Boynton, Snetter, Stiles, and Stokes.

Approval of Agenda

There was no public comment.

Public Comment

A discussion took place on changing from section chairs, who only chair once a year, to one chair who will conduct the combined section meetings all year, and rotating the chair through the sections each year. The Sections agreed by consensus to elect a section chair who will chair for an entire fiscal year, and each year the section chair will rotate through the three professions.

Election of Chair

Ms. Nosbisch opened the floor for nominations for section chair. Ms. Stiles moved to nominate Mr. Boynton as section chair. Ms. Stokes seconded the motion. Mr. Boynton accepted the nomination. Ms. Nosbisch asked if there were any additional nominations for section chair. There being none, Ms. Nosbisch closed the floor for nominations. Ms. Stiles moved to approve the nomination of Mr. Boynton as section chair. The Section unanimously

approved by: Alexander, Boynton, Snetter, Stiles, and Stokes. By acclamation, Mr. Boynton was named section chair.

Ms. Stiles expressed concerned regarding the low number of certified interior designers which was presented during the license count update at the Board meeting earlier today. She stated there are a large number of interior designers whom are not certified in Virginia. The Section requested historical data on certified interior designers be placed on the September 10, 2019 Board meeting agenda.

Certified Interior Designer Section Update

Ms. Stiles stated she submitted her name for consideration to serve as a CIDQ board member. Ms. Nobsisch stated Thom Banks, Chief Executive Officer of CIDQ, attended the NCARB Annual meeting in Washington DC.

CIDQ Update

Ms. Nobsisch stated Mr. Crowther's second term expires on June 30, 2019. To date, a replacement has not been appointed.

Landscape Architect Section Update

Ms. Nobsisch stated CLARB is conducting a national search for a new Chief Executive Officer. Registration for the August exam opened May 6, 2019 and closes July 26, 2019. Exam administration is August 5-17, 2019. Results from the August exam will be available to the Board four to six weeks from August 17th. Region 1 Meeting and Regional Director Election will be on August 19th at 10 a.m., and on September 17th at 3 p.m. there will be a new member orientation webinar.

CLARB Update

There is nothing new to report at this time.

Architect Section Update

The Section noted Fast Facts, the NCARB Update, and the NCARB BOD publications are sent directly to each board member as well as Ms. Nobsisch, so she will no longer forward communications from NCARB to board members.

NCARB Update

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 1:36 p.m.

Adjourn

Caroline Alexander, Chair

Mary Broz-Vaughan, Acting Secretary

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS,
CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS
PUBLIC HEARING MINUTES**

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects held a public hearing on July 12, 2019, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, to receive public comment regarding the Board's proposed regulations.

Board staff present:
Kathleen (Kate) R. Nosbisch, Executive Director

Ms. Nosbisch began the public hearing at 10:00 a.m. and read an introductory statement regarding the purpose and rules of the hearing.

Commencement of Public Hearing

Public Comment Period – There was no public comment. (transcript attached)

Public Comment Period

There being no further comment, the meeting was adjourned at 10:20 a.m.

Adjournment

Michael Zmuda, Chair

Mary Broz-Vaughan, Acting Secretary

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion and are not to be construed as regulation or official Board position.
DRAFT AGENDA

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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS

IN RE: PUBLIC HARING
HEARD BEFORE: KATHLEEN R. NOSBISCH

JULY 12, 2019
SECOND FLOOR CONFERENCE CENTER
9960 MAYLAND DRIVE
HENRICO, VIRGINIA 23233
10:00 A.M.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

1 APPEARANCES :

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3 BOARD MEMBER :

4 Kathleen R. Nosbisch

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DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

1 NOTE: The hearing commences at
2 10:00 a.m., as follows:

3 MS. NOSBISCH: Good morning, ladies
4 and gentlemen. I am Kate Nosbisch, and I am staff to
5 the Virginia Board for Architects, Professional
6 Engineers, Land Surveyors, Certified Interior Designers,
7 and Landscape Architects.

8 This is a public hearing being held
9 at the Department of Professional and Occupational
10 Regulation, 9960 Mayland Drive, Richmond, Virginia
11 23233.

12 This hearing is being held pursuant
13 to statute 54.1-310 of the Code of Virginia for the
14 purpose of receiving public comment for the Board's
15 proposed comprehensive regulatory changes.

16 Additional changes to regulations
17 will be made as necessary. The staff of the Department
18 of Professional and Occupational Regulation will prepare
19 a report of all public comment received which will be
20 presented to the Board for consideration.

21 The list of interested parties and
22 organizations which were notified of this process and
23 invited to the comments is available upon written
24 request.

25 Now I would like to present the

1 rules for this public hearing. The rules for the
2 hearing are as follows: Comments will be received from
3 any member of the public and comments will be limited to
4 a maximum of five minutes depending on the number of
5 individuals who wish to speak.

6 If you have not signed up to speak
7 and you wish to give testimony today, please sign your
8 name on the sign up sheet at this time. I may ask
9 speakers questions to clarify statements.

10 Any speaker who wishes to provide a
11 written statement in addition to his oral written or in
12 lieu of oral testimony may do so until Friday, September
13 6th, 2019. Thank you.

14 NOTE: Off the record.

15 MS. NOSBISCH: Okay. Let the record
16 reflect that no public showed up to speak today. The
17 only person in attendance was our architect board
18 member, Mr. Robert Boynton.

19 And this record of the public
20 hearing will kept open until Friday, September 6th,
21 2019, and written comments will be accepted through five
22 p.m., that day. This hearing is now closed.

23 NOTE: The hearing is concluded
24 at 10:35 a.m.

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CERTIFICATE OF COURT REPORTER

I, Claudia M. Whisenand, hereby certify that I was the Court Reporter in the public hearing regarding the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, heard in the County of Henrico, Virginia, on July 12, 2019, at the time of the hearing herein.

I further certify that the foregoing transcript is, to the best of my ability, a true and accurate record of the testimony and incidents of the hearing herein.

Given under my hand this 13th day of July, 2019.



Claudia M. Whisenand
Notary Registration No. 291277

My Commission expires:
October 31, 2021

**PROFESSIONAL ENGINEER & LAND SURVEYOR
SECTION MEETING**

MINUTES

The Professional Engineer and Land Surveyor Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on August 8, 2019, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Doyle B. Allen (LS)
Vickie Anglin (LS)
James Kelly (PE)
Vinay Nair (PE)
Christopher M. Stone (PE)
Michael Zmuda (LS)

Staff present for all or part of the meeting were:

Kathleen (Kate) R. Nosbisch, Executive Director
Bonnie Davis, Administrative Assistant

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

Members of the Public present for all or part of the meeting were:

Reed Adams, Virginia Department of Transportation (VDOT), Geospatial Program Manager
Location and Design
Tommy Barlow, LS, Louisa County Board of Supervisors
Georg Dahl, Virginia Society of Professional Engineers (VSPE) STEM and Educational
Outreach Lead for Tidewater/Hampton Roads Chapter
Susan Keen, Virginia Department of Transportation (VDOT), State Location and Design
Engineer
James Wells

Mr. Stone, Chair, called the meeting to order at 10:07 a.m.

Call to Order

Mr. Stone advised the Section members of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Kelly moved to approve the agenda. Ms. Anglin seconded the motion which was unanimously approved by members: Allen, Anglin, Kelly, Nair, Stone and Zmuda.

**Approval of
Agenda**

Mr. Barlow, licensed Land Surveyor and member of the Louisa County Board of Supervisors, discussed the Virginia General Assembly approved legislation regarding the Louisa and Goochland County line. He noted there may be parcel discrepancies and gaps and overlays when using the GIS to determine the boundary line.

**Public Comment
Period**

Review of File

James Wells, complainant, was present to address the Section. Regarding **File Number 2019-00264, Douglas Meredith, Jr.**, the Section members reviewed the record of the Informal Fact-Finding (IFF) Conference, which consisted of the investigation, transcripts, exhibits, and the Summary of the Informal Fact-Finding Conference as well as the recommendation of the presiding board member. Mr. Kelly recommended that the Section accept the Summary of the Informal Fact-Finding Conference which cites the following violations of the Board's regulations: 18VAC10-20-730.C (Count 1) and 18VAC10-20-760.D (Count 2).

File Number 2019-00264, Douglas Meredith, Jr.

Ms. Anglin stated there are a number of minor discrepancies not discussed in the IFF. These discrepancies are illustrative of the body of work. Mr. Kelly withdrew his motion. Ms. Anglin moved to accept the current violations and recommends the case be referred back to the Compliance and Investigation Division for further violations of 18VAC10-20-370. Mr. Nair seconded the motion which was unanimously approved by members: Anglin, Kelly, Nair, and Stone.

As the presiding Board member, Mr. Zmuda was not present for the discussion or vote. As technical review Board member, Mr. Allen was not present for the discussion or vote.

Ms. Nosbisch stated Ray Davenport, Secretary of the Virginia Apprenticeship Council, approved and signed the Virginia Surveyor Registered Apprenticeship Standards which have been posted on the APELSCIDLA website.

Virginia Surveyor Apprenticeship Standards Update

Ms. Anglin stated she reviewed the Fairfax County Public Schools (FCPS) Adult and Community Education (ACE) Land Surveyor Apprenticeship Program with the approved Virginia Surveyor Registered Apprenticeship Standards and there are discrepancies. She requested staff reach out to Fairfax County Public Schools Adult and Community Education and send the approved curriculum to them.

At the July 2nd Board meeting, a discussion took place on whether the letter should become a guidance document. The letter was placed on the agenda of the August 8, 2019 PE-LS Section meeting. It was noted the letter is not written as a guidance document, it is not an opinion. After noting the similarity of the Photogrammetry Guidance Document, the Section requested the item be placed on the agenda of the September 10, 2019 Board meeting for further discussion.

Drone Companies Selling Data for Design Purposes Letter

At the July 2, 2019 Board meeting, the Board voted to ask Virginia Department of Transportation (VDOT) to consider releasing an Internal Memorandum (IM) regarding § 33.1-105 Evidence as to Existence of a Public Highway. Mr. Adams stated VDOT incorporated the document prepared by the Land Surveyor Section into VDOT's survey manual. Mr. Stone thanked VDOT for their collaboration. Mr. Allen requested the item be placed on the agenda of the September 10, 2019 Board meeting for Board endorsement.

Right of Entry, Property, Prescriptive Right of Easements, & Metes and Bounds Update

The Section recessed from 11:23 a.m. until 11:32 a.m.

Recess

A discussion took place on changing from section chairs, who only chair every other meeting, to one chair who will conduct the combined section meetings all year, and rotating the chair through the sections each year. The Sections agreed by consensus to elect a section chair who will chair for an entire fiscal year, and each year the section chair will rotate through the two professions.

Election of Section Chairs

Ms. Nosbisch opened the floor for nominations for section chair. Mr. Stone moved to nominate Mr. Kelly as section chair. Ms. Anglin seconded the motion. Mr. Kelly accepted the nomination. Ms. Nosbisch asked if there were any additional nominations for section chair. There being none, Ms. Nosbisch closed the floor for nominations. Mr. Stone moved to approve the nomination of Mr. Kelly as section chair. The Sections unanimously approved by: Allen, Anglin, Kelly, Nair, Stone and Zmuda. By acclamation, Mr. Kelly was named section chair.

Other Business

Ms. Keen stated she and the Department of Environmental Quality (DEQ) has been discussing the signing and sealing of Best Management Practices (BMP) as-built plans in regards to the certification language that was discussed in 2018 when the PE-LS Sections met with VDOT. Ms. Keen stated DEQ is updating their Administrative Code and this is an opportunity for discussion between the Board and DEQ to resolve the language that will meet the Board's requirements. The Section requested the item be placed on the agenda of the September 10, 2019 Board meeting for further discussion. DEQ and Ms. Keen have been invited to attend the meeting.

Signing & Sealing of BMP As-Built Plans Language

Mr. Barlow spoke earlier during Public Comment regarding this item. He asked the Section when performing boundary surveys on the Louisa and Goochland County line, should the land surveyor follow the GIS coordinates or adhere to parcel lines. Mr. Allen stated according to the APELSCIDLA regulations, on normal boundary surveys, the land surveyor would have to show both the coordinate points and parcel lines. Mr. Allen stated he will draft a letter to Mr. Barlow. The Section requested the item be placed on the agenda of the September 10, 2019 Board meeting for further review.

National Geodetic Survey Standards

The Sections discussed the reinstatement process.

Reinstatements

The Sections discussed what qualifies for construction experience and what does not. The Professional Engineers requested a separate meeting to discuss guidelines of what is progressive experience and to develop a procedure for use during application review.

Construction Experience

The discussion of unsolicited emails from unlicensed engineers offering engineering services has been discussed at various Board and Section meetings. Mr. Stone stated he received another unsolicited email, and therefore, filed a complaint with DPOR. He noted in the *Code of Virginia* § 54.1-406.B License required. Unless exempted by § 54.1-402, any person, partnership, corporation or other entity offering to practice architecture, engineering, or land surveying without being registered or licensed in accordance with the provisions of this chapter, shall be subject to the provisions of § 54.1-111 of this title. He will provide an update on the complaint process at the next meeting.

The Section recessed from 1:24 p.m. until 1:29 p.m.

Chair of the meeting was passed from Mr. Stone to Mr. Kelly.

Mr. Stone and Mr. Nair left the meeting at 1:43 p.m.

MOTIONS TO BE PRESENTED AT THE 2019 ANNUAL MEETING

Per *Bylaws* 6.01 Annual Business Meetings, the NCEES board of directors has prepared a consent agenda for the August 2019 annual meeting.

At its May board meeting, the board of directors considered each motion that will come before the Council. The board position and whether the motion was placed on the consent agenda are listed after the motion. In the review of the motion, the board has the following options:

- Endorse the motion and place it on the consent agenda
- Endorse the motion and not place it on the consent agenda
- Not endorse the motion and not place it on the consent agenda
- Take no position and not place it on the consent agenda

Committee on Finances (5 motions)

Finance Motion 1

Move that the adoption of the 2019–20 operating budget as shown in **Appendix B** be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

Board of directors' position

Endorses, consent agenda
The Section does support the motion.

Finance Motion 2

Move that the adoption of the 2019–20 capital budget as shown in **Appendix C** be postponed to the end of the last business session in order to take into account any subsequent actions adopted by the Council that may affect this budget.

**Response
Template for
Preferred
Engineering
Services
Subcontractor/
Partner Emails**

**Recess and
Departure of
Board Members**

NCEES Updates

**NCEES
Resolution Review**

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

Finance Motion 3

Move that Financial Policy 1C be amended as follows:

FP 1 Council Funds

- A. NCEES shall maintain operating accounts and operating reserve accounts with account balances in the aggregate sufficient to manage the day-to-day financial obligations of the Council.
- B. NCEES shall maintain long-term and short-term investments in accordance with the investment guidelines reviewed and approved at least annually by the board of directors.
- C. The reserve funds (current tangible assets plus tangible marketable long-term investments minus current liabilities) should be accumulated to and maintained at a minimum amount of 100 percent of the annual operating budget plus a designated reserve equal to the computed cost of a total exam breach based on the current approved item replacement costs. [Reserve funds over the breach costs and operating costs may be designated by the board of directors for other NCEES capital projects.](#) If the reserve funds fall below this level, the Council shall strive to correct the situation.
- D. The NCEES board of directors shall have the authority to contribute a maximum of \$500,000 annually for funding of nonprofit organizations. A full Council vote is required to approve contributions above that amount.

Rationale

The committee feels that capital projects that require a large amount of funds may be identified and approved by the board of directors. Designated reserves by the board of directors for a capital project identifies the amount of funds needed and the purpose of the funds. Board-designated funds are displayed on NCEES' balance sheet.

Board of directors' position

Endorses, consent agenda

The Section does not support the motion.

Finance Motion 4

Move that Financial Policy 3D and 3E be added as follows:

FP 3 Travel Expenses

NCEES shall budget for and pay travel expenses for NCEES-funded meeting attendees as described below. NCEES shall also waive the registration fee for NCEES-funded attendees to the annual meeting and zone interim meetings but shall not pay the cost of optional functions that are not included in the registration fee. All authorized travel and reimbursements shall be in accordance with the NCEES travel policy. Unbudgeted international travel shall require authorization by the board of directors.

A. Meetings representing NCEES

1. Members of the board of directors, committee members, and consultants as authorized by the president. The president and the president-elect have the discretion to purchase business class airfares for trips greater than or equal to 5 hours of total in-air flying time each way to mitigate the stress of frequent travel. If no business class is available, first class may be considered.
2. Council staff as approved by the CEO

B. NCEES annual business meetings

1. Members of the current NCEES board of directors, incoming vice presidents, nominees for the incoming NCEES president-elect and treasurer positions, and past presidents. Registration fees shall be waived for a guest of each.
2. A minimum of three funded delegates from each member board as specified by the member board. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of funded delegates.
3. Member board members who are attending their first annual meeting and who have been appointed to their board within 24 months before the annual meeting
4. The designated member board administrator (MBA) of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of a funded MBA.
5. Chairs of NCEES standing committees and task forces
6. NCEES service award recipients. Registration fees shall be waived for a guest of each.

C. Zone interim meetings

1. Members of the current NCEES board of directors and NCEES past presidents
2. A minimum of three funded delegates from each member board as specified by the respective member board. The delegates must be members of the member board or associate members. Boards must meet the *Bylaws* requirements for voting to receive the benefits of funded delegates.
3. The designated MBA of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of a funded MBA.

D. Board Presidents' Assembly

1. Members of the current NCEES board of directors
2. Each member board president or his or her designated board member representative
3. The designated MBA of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff.

E. Approved MBA meetings

1. Members of the current NCEES board of directors as authorized by the

[president](#)

2. [The designated MBA of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff.](#)

Rationale

The Council has historically funded each board president or his or her designated representative and each MBA to the biennial Board Presidents' Assembly and has funded each MBA to approved MBA meetings. The committee is moving to add this language to FP 3 to reflect the current NCEES funding for these meetings.

Note: Before proposing the changes shown above, the Finance Committee reorganized FP 3, Travel Expenses, to eliminate wordiness and redundancy. Because these were not substantive changes, the committee did not present the reorganization in a motion. The original FP 3 is included in this report's appendix for reference and to describe why and how the policy was reorganized.

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

Finance Motion 5

Move that Financial Policy 3 be amended as follows, Financial Policy 4 be deleted, and the remaining financial policies be renumbered accordingly.

FP 3 Travel Expenses

NCEES shall budget for and pay travel expenses for NCEES-funded meeting attendees as described below. NCEES shall also waive the registration fee for NCEES-funded attendees to the annual meeting and zone interim meetings but shall not pay the cost of optional functions that are not included in the registration fee. All authorized travel and reimbursements shall be in accordance with the NCEES travel policy. Unbudgeted international travel shall require authorization by the board of directors.

A. Meetings representing NCEES

1. Members of the board of directors, committee members, and consultants as authorized by the president. The president and the president-elect have the discretion to purchase business class fares for trips greater than or equal to 5 hours of total in-air flying time each way to mitigate the stress of frequent travel. If no business class is available, first class may be considered.

2. Council staff as approved by the CEO

B. NCEES annual business meetings

1. Members of the current NCEES board of directors, incoming vice presidents, nominees for the incoming NCEES president-elect and treasurer positions, and past presidents. Registration fees shall be waived for a guest of each.
2. A minimum of three funded delegates from each member board as

specified by the member board. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of funded delegates.

3. Member board members who are attending their first annual meeting and who have been appointed to their board within 24 months before the annual meeting
 4. The designated member board administrator (MBA) of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of a funded MBA.
 5. Chairs of NCEES standing committees and task forces
 6. NCEES service award recipients. Registration fees shall be waived for a guest of each. 7. Zone assistant vice presidents and zone secretary-treasurers
- C. Zone interim meetings
1. Members of the current NCEES board of directors and NCEES past presidents
 2. Zone assistant vice presidents and zone secretary-treasurers to their respective zone meeting
 23. A minimum of three funded delegates from each member board as specified by the respective member board. The delegates must be members of the member board or associate members. Boards must meet the *Bylaws* requirements for voting to receive the benefits of funded delegates.
 34. The designated MBA of each member board. When an MBA represents more than one board, the funding shall be for the designated MBA only and not for the assistant MBA or for member board staff. Member boards must meet the *Bylaws* requirements for voting to receive the benefits of a funded MBA.
 5. Zone service award recipients to their respective zone meeting

FP 4 Zone Contribution

~~Each zone shall be granted an equal sum of money each year from the funds of the Council for attendance of up to 75 members. This sum is to be used for zone expenses, zone meetings, and expenses of the zone vice president, assistant vice president, and secretary-treasurer to the zone interim meeting. The amount of the grant will be determined by the board of directors. Additional funding by the Council for attendance above 75 members shall be granted to the respective zone at \$200 per member.~~

~~Zone operations conducted under the Council's federal tax identification number shall be considered part of the Council activities and will be administered and monitored by the chief executive officer in conjunction with zone officers.~~

Rationale

The committee discussed that preparing and planning zone interim meeting budgets require a significant amount of work. If this motion passes, Council staff, working with the zone officers and host boards, would prepare the zone

interim meeting budgets that would become part of the Council's operating budget that is approved at the annual meeting. The zone interim meeting revenue and expenses would be reported in the income statement as opposed to flowing through the zone's reserves. FP 4, Zone Contribution, would not be needed if the method of preparing zone interim meeting budgets is changed, so the committee is also proposing to eliminate FP 4.

In addition, because funding zone officers and zone service award winners would no longer be addressed in the *Zone Meeting and Continuity Guidelines*, the committee is proposing to add language to FP 3 to include them in the funding.

Note: Before proposing the changes shown above, the Finance Committee reorganized FP 3, Travel Expenses, to eliminate wordiness and redundancy. Because these were not substantive changes, the committee did not present the reorganization in a motion. The original FP 3 is included in this report's appendix for reference and to describe why and how the policy was reorganized.

Financial impact

The estimated reduction in annual meeting registration fee revenue is \$7,800, and the estimated annual meeting costs are \$25,468. The total estimated negative operation impact is \$33,268.

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

Committee on Awards (1 motion)

Awards Motion 1

Move that Administrative Policy 12 be amended as follows:

AP 12 Awards

NCEES will officially recognize members, associate members, emeritus members, and other volunteers who provide or have provided outstanding service to NCEES. The members of the Committee on Awards and the board of directors shall not be nominated for these awards while serving on the Committee on Awards or on the board of directors. In evaluating nominations, the following guidelines are to be observed:

Distinguished Service Award

- Must be a current member, a former member, or an emeritus member
- Must promote engineering or surveying licensure at the state or national level
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- May include participation in professional or technical societies as a consideration
- Must demonstrate active participation in member board activities
- Must include distinguished service on at least one NCEES committee
- May be nominated by a member board

Distinguished Service Award with Special Commendation

- Must have received the Distinguished Service Award at least six years prior to receiving the Distinguished Service Award with Special Commendation. Any exception based on extraordinary circumstances must be approved by the NCEES board of directors with recommendation by the Committee on Awards.
- [Must demonstrate service prior to and after receiving Distinguished Service Award](#)
- Must be a current member, a former member, or an emeritus member
- Must promote engineering or surveying licensure at the national level
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- May include participation in professional or technical societies as a consideration
- Must demonstrate active participation in member board activities
- Must include leadership or exemplary service on at least one NCEES committee
- May be nominated by a member board

Meritorious Service Award

- Must be a current or former associate member
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission, vision, and goals of his or her board and NCEES
- Must participate in member board activities
- Must participate in the promotion of licensure or the enforcement of member board laws and rules
- Must include distinguished service on at least one NCEES committee
- May be nominated by a member board

Distinguished Examination Service Award

- Must demonstrate positive contributions and longtime commitment to the NCEES examination program
- Must have served on at least one of the Council's examination committees or exam-related task forces
- Must demonstrate exemplary service and leadership in the advancement and improvement of NCEES examinations and the exam-development process
- May be nominated by a member board, an exam committee, or the board of directors

Rationale

The committee is proposing this change to ensure that the person receiving the Distinguished Service Award with Special Commendation has continued to be active and demonstrated service after receiving the Distinguished Service Award.

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

Special Committee on Bylaws (9 motions)

Bylaws Motion 1

Move that *Bylaws* 5.01 be amended as follows:

~~**Section 5.01 President.** The President shall, when present, preside at all meetings and shall present to the Council at the Annual Business Meeting a report of the activities during the term of office. The President shall appoint all members, chairs, vice chairs, and consultants of standing committees, special committees, and task forces unless specific action of the Council or of the Board of Directors names the personnel of the committee or task force. The President shall also appoint all members of a Tellers Committee for the election of the President-Elect and Treasurer. The President shall appoint all official representatives of the Council to other organizations as authorized by the Board of Directors. The President shall be chair of the Board of Directors, shall be an ex-officio member of all committees, and shall perform all other duties ordinarily pertaining to the office of President.~~

~~If both the President and the President-Elect are absent, the Vice President from the zone that will be nominating the next President-Elect will be the acting President. The Vice President shall have all the powers of the President while presiding in this capacity.~~

~~**Section 5.01 President.** The President shall be the chair of the Board of Directors and shall preside over all meetings of the Board as well as the Annual Business Meeting of the Council. The President shall be an ex-officio member of all committees and task forces of the Council. The President shall perform all other duties ordinarily pertaining to the office of President. The President shall prepare and present to the Council at the Annual Business Meeting a report of the President's activities during the term of office.~~

~~The President shall appoint all members, chairs, vice chairs, and consultants of the standing committees as defined in Article 7 of the *Bylaws*. The President shall also appoint all members, chairs, vice chairs, and consultants of special committees and task forces unless specific action of the Council or of the Board of Directors names the personnel of the committee or task force. The President shall also appoint one member of the Board of Directors to serve as board liaison to each standing committee, special committee, and task force. The President shall appoint all official representatives of the Council to any other organizations. If needed during the annual meeting, the President shall appoint a Tellers Committee for the election of the President-Elect and/or Treasurer.~~

~~If the President is absent, the President-Elect will serve as the acting President in accordance with *Bylaws* 5.02. If both the President and the President-Elect are~~

absent, the Vice President from the zone that will be nominating the next President-Elect will serve as the acting President. The acting President shall have all powers of the President while presiding in this capacity.

Rationale

Motion 1 is proposed in response to the approved 2018 ACCA motion to propose an amendment to the description of the president's role. The ACCA rationale for the change was as follows: "ACCA feels that the proposed amendment will reduce ambiguities and better organize the responsibilities of the president. This proposed language places all of the presiding and reporting responsibilities in the first paragraph and all of the appointing responsibilities in the second paragraph. The responsibility to appoint board liaisons to committees and task forces has been clarified. The third paragraph is a proposed revision of the current second paragraph and addresses the matter of absence of the president as well as the absence of the president-elect in relationship to the need for a temporary acting president. The requirement of having authorization of the board of directors prior to appointing official representatives of the Council to any other organizations is being deleted. As has been the practice in the past, the president has the discretion to make such appointments."

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

Bylaws Motion 2

Move that *Bylaws* 7.01 be amended as follows:

7.01 Standing Committees. The standing committees of the Council shall be the following: Advisory Committee on Council Activities (ACCA), Awards, Education, Examination Audit, Examinations for Professional Engineers (EPE), Examinations for Professional Surveyors (EPS), Examination Policy and Procedures (EPP), Finances, Law Enforcement, Member Board Administrators (MBA), and Uniform Procedures and Legislative Guidelines (UPLG).

The structure and membership of all standing committees shall be commensurate with the charges unless otherwise provided for in the *Bylaws*. The composition of the committees should reflect the diversity of the Council membership.

A committee member may be appointed to serve on only one standing committee during any administrative year.

Appointments shall limit the tenure on any one committee to a maximum of four consecutive years, including any time as chair, except that (1) an individual may serve for three years as an EPS Committee member, two additional years as the EPS Committee vice chair, and two additional years as the EPS Committee chair; and (2) an individual may serve for three years as an EPE Committee member, two additional years as the EPE Committee vice

chair, and two additional years as the EPE Committee chair. The chairs of the EPE and EPS Committee shall have had experience in developing NCEES examinations before assuming the position of chair. This experience is defined as involvement in at least two of the following activities: item writing or review, participation on a cut score panel, involvement in a Professional Activities and Knowledge Study (PAKS) committee or on examination specification committees, or participation on an examination development committee. The ascension track to the chair shall also include psychometric training approved by NCEES.

A committee chair appointment shall be limited in tenure to a maximum of two consecutive years on any one committee.

Members, associate members, [past presidents](#), and emeritus members shall be eligible to serve on any committee or task force. Committee members may continue to serve until the conclusion of the term of office to which they were appointed even if their terms with Member Boards have ended.

Rationale

Motion 2 is proposed in response to the approved 2018 ACCA motion to propose an amendment that clarifies who is allowed to serve on standing committees and task forces. The ACCA rationale for the change was as follows: “*Bylaws 3.07, Past Presidents*, states that past presidents are eligible to serve on committees of the Council. However, *Bylaws 7.01, Standing Committees*, does not specifically mention past presidents. This motion is simply to clarify the current process.”

Board of directors’ position

Endorses, consent agenda

The Section does not support the motion.

Bylaws Motion 3

Move that *Bylaws 7.02* be amended as follows:

Section 7.02 Advisory Committee on Council Activities. The Advisory Committee on Council Activities (ACCA) shall consist of a chair and members from each zone. At least one member shall be a [professional engineer, one member a professional surveyor, and one member a member board administrator](#).

The committee shall provide advice and briefing to the President and the Board of Directors on new policy issues, problems, and plans that warrant preliminary assessment of policy choices and procedures not as yet assigned to a standing committee or involving several existing committees. Consultants appointed to this committee shall have served on the Board of Directors.

The committee will act as principal advisor to the President and the Board of Directors on such specific non- recurring problems or plans as the President may explicitly assign to the committee. The committee shall review the *Manual of Policy and Position Statements*, in consideration of past and current action of the Council, and present any proposed revisions ~~to the Board of Directors for review and forwarding to the Council for ratification at the Annual Business Meeting as needed.~~

Rationale

Motion 3 is proposed in response to the approved 2018 ACCA motion to propose an amendment to the description of ACCA. The ACCA rationale for the change was as follows: “ACCA is proposing changes in the first paragraph because the current language does not require that any professional engineers or member board administrators be on ACCA. The proposed language will correct this missing language by requiring at least one professional engineer, one professional surveyor, and one member board administrator to be on the committee. It is proposing changes to the second paragraph to match current practice, which is that motions are presented as needed and then voted upon, but not ratified.”

Board of directors’ position

Endorses, consent agenda

The Section does support the motion.

Bylaws Motion 4

Move that *Bylaws* 7.03 be amended as follows:

Section 7.03 Committee on Awards. The Committee on Awards shall have one member from each zone plus the chair. When available, these members should be past members of the Board of Directors who have received the Distinguished Service Award of NCEES. It shall, by October 1 of each year, canvass the Member Boards for nominations for the awards to be given at the Annual Business Meeting, including the Distinguished Service Award. It shall be guided by the established policies and procedures for the awards. Nominations shall be submitted by entities as defined in Council policy by January 31 of the next year.

The committee shall complete its recommendations and submit its report to the Board of Directors by April 1. [The Board of Directors shall review the report and approve individuals to receive awards.](#)

Rationale

Motion 4 is proposed in response to the approved 2018 Awards Committee motion to propose an amendment that clarifies the process of designating award recipients. The Awards Committee rationale for the change was as follows: “The committee is proposing these changes to make the *Bylaws* consistent with current practice.”

Board of directors’ position

Endorses, consent agenda

The Section does support the motion.

Bylaws Motion 5

Move that *Bylaws* 7.07 be amended as follows:

Section 7.07 Committee on Examinations for Professional Surveyors. The

Committee on Examinations for Professional Surveyors (EPS) shall consist of a chair and three members from each zone. ~~It-All~~ [members shall be professional surveyors](#). EPS shall supervise the preparation of examination specifications and be responsible for the content and scoring of all examinations in the fundamentals and principles and practice of surveying.

The committee, in the interest of uniformity and efficiency, ~~may~~ [shall](#) prepare examination development procedures and shall review examination scores and make recommendations of minimum passing grades for examinations.

At least 50 percent of the committee members should be carryover members to provide continuity of the program.

This committee shall have the authority to recommend, in connection with its work, the appointment of consultants.

Rationale

Motion 5 is proposed in response to the approved 2018 EPS Committee motion to propose an amendment to the description of the EPS Committee. The EPS Committee rationale for the change was as follows: "EPS is proposing the amendment in the first paragraph to eliminate the possibility of having EPS Committee members who lack the specialized knowledge required for development of the surveying exams. It is also changing 'may' to 'shall' as a housekeeping change for consistency."

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

Bylaws Motion 6

Move that *Bylaws* 7.08 be amended as follows:

Section 7.08 Committee on Examination Policy and Procedures. The Committee on Examination Policy and Procedures (EPP) shall consist of a chair, ~~and~~ [two members selected from each zone, and the chairs of the Committee on Examinations for Professional Engineers and Examinations for Professional Surveyors \(or their representatives\) as consultants](#). In addition, the President may appoint ~~as consultants the chairs of the Committees on Examinations for Professional Engineers and Examinations for Professional Surveyors and their subcommittees~~ [other consultants as deemed necessary, including a member board administrator](#).

This committee shall be responsible for reviewing the effectiveness of the examinations and recommending policies, specifications, and procedures consistent with the trends in the engineering and surveying professions.

Rationale

Motion 6 is proposed in response to the approved 2018 EPP Committee motion to propose an amendment to the description of the EPP Committee. The EPP

Committee rationale for the change was as follows: “The president consistently invites the chairs of the EPE and EPS committees as consultants. Adding ‘their representatives’ gives the option for the chair to have a respective committee member represent the committee if the chair is unable to attend. The EPP Committee also feels that having an MBA member as a consultant is beneficial, especially when policy changes are proposed. MBAs provide an administrative perspective on how policy changes may affect their boards.”

Board of directors’ position

Endorses, consent agenda

The Section does support the motion.

Bylaws Motion 7

Move that *Bylaws* 7.10 be amended as follows:

Section 7.10 Committee on Law Enforcement. The Committee on Law Enforcement shall consist of a chair and members from each zone. At least one member shall be a surveyor. The committee shall receive comments and suggestions from Member Boards regarding state board regulatory functions and submit recommendations for action to the Board of Directors. The committee will consider and recommend methods for Member Boards to achieve more effective and uniform enforcement of licensing acts and for greater interstate coordination of enforcement actions, including better utilization of available technologies. The committee is responsible for periodically updating the *Investigation and Enforcement Guidelines* to assist Member Boards in investigative techniques, ~~formal~~ hearing procedures, and ~~informal~~ settlements.

Rationale

Motion 7 is proposed in response to the approved 2018 Law Enforcement Committee motion to propose an amendment to the description of the Law Enforcement Committee. The Law Enforcement Committee rationale for the change was as follows: “The committee is proposing these changes to eliminate unnecessary words that could potentially cause misunderstanding.”

Board of directors’ position

Endorses, consent agenda

The Section does support the motion.

Bylaws Motion 8

Move that *Bylaws* 7.11 be amended as follows:

Section 7.11 Committee on Member Board Administrators. The Committee on Member Board Administrators shall consist of a chair, who shall be a member board administrator; ~~and~~ at least two members member board administrators from each zone. ~~Two members shall be;~~ and two current members or emeritus members of Member Boards. The committee shall arrange for the conference of administrators at the Annual Meeting and Interim Meetings of the NCEES zones. Throughout the year, the committee shall strive to provide close cooperation between administrators and to facilitate and assist

any efforts by the Member Boards in addressing licensure processes and practices.

Rationale

Motion 8 is proposed in response to the approved 2018 MBA Committee motion to propose an amendment to the description of the MBA Committee. The MBA Committee rationale for the change was as follows: “The MBA Committee is proposing this change to clarify the purpose of MBAs within the committee, maintain zone diversity, and recognize the desire/need to consider the perspective of the MBA role as viewed by board members.”

Board of directors’ position

Endorses, consent agenda
The Section does support the motion.

Bylaws Motion 9

Move that *Bylaws* 10.01 be amended as follows:

Section 10.01 Fees. ~~Annual fees of Member Boards are due on January 1 for the ensuing calendar year. Member Board annual membership fees are due 30 days within receipt of an invoice from NCEES.~~ The fee schedule for Member Boards shall be based on the number of licensees of record as of December ~~31~~ of the preceding calendar year.

Rationale

Motion 9 is proposed as a result of the Bylaws Committee general review. The dates of January 1 and December 31 do not match current practice. Invoices for dues are usually sent in January. After consulting with the NCEES CFO, the committee proposes changing the language to require payment 30 days after the invoice is received. As far as the number of licensees on record, current practice is for the numbers to be due at the beginning of December, so the committee is proposing to say “December” only rather than give an exact date.

Board of directors’ position

Endorses, consent agenda
The Section does support the motion.

Committee on Education (4 motions)

Education Motion 1

Move that the UPLG Committee be charged with incorporating the following language into *Model Law* 130.10 B and *Model Rules* 230.10 A and to further make modifications throughout the *Model Law* and *Model Rules* to include the general premise that an ETAC/ABET degree that has been vetted against the most recent NCEES *Engineering Education Standard* (revised July 2019) is allowed to satisfy the education requirements for engineering licensure.

130.10 General Requirements for Licensure

B. Engineering

1. Certification or Enrollment as an Engineer Intern

The following shall be considered as minimum evidence that the

applicant is qualified for certification as an engineer intern.

- a. Graduating from an engineering program of four years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), graduating from an engineering master's program accredited by EAC/ABET, [graduating from an engineering technology program of four years or more accredited by the Engineering Technology Accreditation Commission of ABET \(ETAC/ABET\) and meeting the requirements of the NCEES Engineering Education Standard](#), or [graduating from a non-accredited engineering program and meeting the requirements of the NCEES Engineering Education Standard](#)
- b. Passing the NCEES Fundamentals of Engineering (FE) examination
2. Licensure as a Professional Engineer
 - a. Initial Licensure as a Professional Engineer

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a professional engineer.

 - (1) Education Requirements

An individual seeking licensure as a professional engineer shall possess one or more of the following education qualifications:

 - (a) A degree in engineering from an EAC/ABET-accredited bachelor's program
 - (b) A degree in engineering from an EAC/ABET-accredited master's program
 - (c) [A degree in engineering technology from an ETAC/ABET-accredited bachelor's program shown to meet the NCEES Engineering Education Standard](#)
 - (ed) A bachelor's, master's, or doctoral degree in engineering from a non-EAC/ABET-accredited program. This individual's education must be shown to meet the NCEES *Engineering Education Standard*.
 - (2) Examination Requirements

An individual seeking licensure as a professional engineer shall take and pass the NCEES Fundamentals of Engineering (FE) examination and the NCEES Principles and Practice of Engineering (PE) examination as described below.

 - (a) The FE examination may be taken by a college senior or graduate of an engineering program of four years or more accredited by EAC/ABET, [of an engineering technology program of four years or more accredited by ETAC/ABET and meeting the requirements of the NCEES Engineering Education Standard](#), of a program that meets the requirements of the NCEES *Engineering Education Standard*, or of an engineering master's program accredited by EAC/ABET.
 - (b) The PE examination may be taken by an engineer intern.
 - (3) Experience Requirements

An individual seeking licensure as a professional engineer shall present evidence of a specific record of four years of progressive

Materials contained herein are proposed topics for discussion and are not to be used for any official Board position.

engineering experience after a qualifying degree is conferred as described in a(1)(a), a(1)(b), or a(1)(d) above or evidence of a specific record of six years of progressive engineering experience after a qualifying degree is conferred as described in a(1)(c). This experience should be of a grade and character that indicate to the board that the applicant may be competent to practice engineering. The following educational criteria may apply as a substitute to the length of experience set forth above:

- (a) An individual with a master's degree in engineering acceptable to the board: three years of experience after the qualifying bachelor's degree is conferred as described in a(1)(a)-~~or~~, a(1)(c), or a(1)(d) above
- (b) An individual with an earned doctoral degree in engineering acceptable to the board and who has passed the FE exam: two years of experience
- (c) An individual with an earned doctoral degree in engineering acceptable to the board and who has elected not to take the FE exam: four years of experience

A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To be eligible for experience credit, graduate degrees shall be relevant to the applicant's area of professional practice.

Experience credit for a graduate degree cannot be earned concurrently with work experience credit.

230.10 Education Requirements Approved by the Board

A. Engineering Program

The term "an engineering program of four years or more" used in Section 130.10 B.1.a of the NCEES *Model Law* is interpreted by this board to mean the following:

1. A degree from a bachelor's or master's engineering program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) at the time of the awarding of the degree. The board may accept the degree if accreditation is received within *[insert the prescribed time]*.
2. A degree from an engineering program not accredited by EAC/ABET but that meets the requirements of the NCEES *Engineering Education Standard*
3. A bachelor's degree from an engineering technology program accredited by ETAC/ABET that meets the requirements of the NCEES Engineering Education Standard

Rationale

Current ETAC/ABET and EAC/ABET criteria require similar student outcomes for their bachelor's degree programs. ETAC/ABET criteria value professional registration of its faculty. These faculty teach technical courses that have a theoretical foundation that is focused on application and the practice of engineering. Because of more program-specific flexibility, ETAC/ABET

programs often have a greater number of required technical courses, particularly lab-based courses, and fewer high-level calculus courses than traditional engineering programs. After much discussion and debate, the committee agreed that an ETAC/ABET degree that also meets the NCEES *Engineering Education Standard* should be included as a pathway to engineering licensure. While this modification to the *Model Law* would allow a pathway for four-year engineering technology graduates to obtain licensure, the committee is not recommending revisions to Professional Policy 5, NCEES Model Law Designations, which dictates who is given Model Law Engineer status by the NCEES Records Program.

The consensus of the committee is that this change would provide a pathway to licensure for capable individuals who were performing engineering work and had graduated from a four-year engineering technology program. Creating a pathway to licensure for graduates from bachelor's ETAC/ABET-accredited programs would increase the number of professional engineers coming into the profession. Bringing this group into the engineering profession would also help ensure that the health, safety, and welfare of the public is being protected.

Board of directors' position and rationale

Does not endorse, non-consent agenda. The board of directors does not endorse this motion for a variety of reasons. In discussing the changes, some members of the board of directors did not agree with the entire concept of allowing ETAC/ABET degrees to qualify for initial licensure; others were okay with the changes except for the requirement for ETAC/ABET degrees also having to meet the requirements of the NCEES *Engineering Education Standard*; and others agreed with the proposed amendments as shown above. Because the board of directors did not come to a consensus, it decided that it should not endorse the motion.

The Section will decide whether or not to support the motion at the meeting.

Education Motion 2

Move that Position Statement 15 be amended as follows:

PS 15 FE Examination as an Outcomes Assessment Tool

- A. Engineering programs should strongly consider using the FE exam topic-level performance data as part of their program assessment, with proper regard for the caveats described.*
- B. Programs that will gain the most from using the FE exam as an assessment tool are those programs in which all students are required to take the FE exam, all students are required to take the discipline-specific exam, the faculty establish specific goals for their program, and comparisons are made with peer institutions that have similar requirements.
- C. Member boards (~~state boards~~) should become proactive in working with academic programs to stress the use and value of the FE exam as an assessment tool.
- D. Institutions must remember that the primary purpose of the FE is to assess minimal technical competencies. Other assessment tools need to be used to

assess higher-level theories or critical thought that might be the focus of some portion of their program.

- E. The results of each FE exam should be sent directly to institutions for their use.

*Refer to: *Using the Fundamentals of Engineering (FE) Examination to Assess Academic Programs as an Outcomes Assessment Tool*, National Council of Examiners for Engineering and Surveying, March ~~2014~~2019.

Rationale

The committee reviewed PS 15 and discussed if it conforms with current practice. The committee feels that the term “state boards” should be removed from Section C since the term “member boards” is intended to define all member boards. Removing this term from the document does not cause ambiguity in the description. The other proposed change is a housekeeping one to update the current title and publication date.

Board of directors’ position

Endorses, consent agenda

The Section does support the motion.

Education Motion 3

Move that the UPLG Committee be charged with incorporating the following language into *Model Rules* 240.30 C and E:

240.30 Continuing Professional Competency

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of licensees.

- C. Qualifying Activities

PDHs may be earned as follows:

1. Successful completion of college courses
2. ~~Successful completion of short courses, tutorials, webinars, and distance education courses offered for self-study, independent study, or group study and through synchronous or asynchronous delivery methods such as live, correspondence, archival, or the Internet~~
2. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for self-study, independent study, or group study. The method of delivery can be through
 - a. Face-to-face programs or live internet-based programs
 - b. Archived prerecorded programs or archived correspondence programs
3. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions
4. Teaching or instructing in 1 through 3 above
5. Authoring published papers, articles, books, or accepted licensing examination items
6. Active participation in professional or technical societies
7. Patents
8. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering

professions that involve K–12 or higher education students

E. Determination of Credit

The board has final authority with respect to approval of courses, credit, PDH value for courses, and other methods of earning credit.

1. Credit for college or community college approved courses will be based upon course credit established by the college.
2. Credit for qualifying seminars and workshops will be based on 1 PDH for each hour of attendance. Attendance at qualifying programs presented at professional and/or technical society meetings will earn PDHs for the actual time of each program.
3. Credit determination for activities in subsections D6 and D8 is the responsibility of the licensee (subject to review as required by the board).
4. Credit for activity in subsection D7, active participation in professional and technical societies (limited to 2 PDHs per organization), requires that a licensee serve as an officer and/or actively participate in a committee of the organization. PDHs are not earned until the end of each year of service is completed.
5. [No more than half of the total required hours in any renewal period may be obtained through C2b activities.](#)
6. [No more than 8 PDHs may be obtained during a 24-hour period.](#)

Rationale

The committee discussed this charge at length and, based on the assortment of courses being offered today, agreed that there needs to be a better definition as to how courses are presented. In addressing the charge, the committee feels that the *Model Rules* needs to spell out the differences between web-based live, web-based pre-recorded, and live face-to-face seminars in the Qualifying Activities section. Because of the increase in the number of courses being offered by a variety of different media, the committee is also proposing that licensees be held to obtaining only 8 PDHs in a 24-hour period.

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

Education Motion 4

Move that the UPLG Committee be charged with incorporating the following language into *Model Rules*

240.30-B:

240.30 Continuing Professional Competency

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of licensees.

A. Introduction

Every licensee shall meet the continuing professional competency requirements of these regulations for professional development as a condition for licensure renewal.

B. Definitions

Terms used in this section are defined as follows:

1. Professional Development Hour (PDH)—One contact hour (nominal) of instruction or presentation. The PDH is the common denominator for other units of credit.
 - a. The term “contact hour” will be defined as the amount of time scheduled to allow for instruction in a course (lecture or laboratory) that provides, at a minimum, 50 minutes of interaction between the instructor and the student.
 - b. The total number of hours allowed for a continuing education program cannot exceed the actual number of clock hours.
2. Ethics/Business-Related Course or Activity—A qualifying course or activity with content areas related to
 - (1) the awareness of ethical concerns and conflicts; (2) an enhanced familiarity with the codes of conduct; (3) an understanding of standards of practice or care; (4) project management and risk- assessment management; or (5) other similar topics aimed at maintaining, improving, or expanding the skills set and knowledge relevant to the licensee’s field and methods of practice.
3. Continuing Education Unit (CEU)—Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 contact hours in an approved continuing education course.
4. College Semester/Quarter Hour—Credit for course in ABET-accredited programs or other related college course approved in accordance with subsection E of this section.
5. Course/Activity—Any qualifying course or activity with a clear purpose and objective that will maintain, improve, or expand the skills and knowledge relevant to the licensee’s field of practice. Regular duties are not considered qualified activities.
6. Dual Licensee—An individual who is licensed as both a professional engineer and a professional surveyor

Rationale

One of the goals of NCEES is to advance licensure standards for all professional engineers. These standards describe the technical and professional competency needed to safeguard the health, safety, and welfare of the public. The Council recognizes that future demands for increasing technical and professional skills have resulted in the need for additional education beyond the bachelor’s degree for those entering the engineering profession. Because of the variety of definitions for a credit hour and without a current definition in the *Model Rules*, the committee is proposing these changes to clarify the definition so that all boards can incorporate into a uniform standard.

Board of directors’ position

Endorses, consent agenda

The Section does support the motion.

Advisory Committee on Council Activities (4 motions)

ACCA Motion 1

Move that a Special Committee on Bylaws be charged with incorporating the following language into the appropriate section of *Bylaws* 10, Membership Fees: “Examinees may register and sit for NCEES examinations even when

their NCEES member board is in arrears.”

Rationale

ACCA is proposing this motion to clarify exam access to examinees when a member board is in inactive status. *Bylaws* 10 does not currently address exam access for examinees when an NCEES member board is in arrears with membership fees. Member boards rarely go into arrears, and examinees should not be penalized for the actions of a member board.

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

ACCA Motion 2

Move that a Special Committee on Bylaws be charged with incorporating the following language into

Bylaws 6.02:

Section 6.02 Quorum and Voting. A quorum for the transaction of business at the Annual Business Meetings of the Council shall be delegates from a majority of Member Boards. A majority vote of the Member Boards represented shall be required for affirmative action unless otherwise provided for in the *Bylaws*.

Only Member Boards shall be entitled to vote. Voting shall be by Member Boards, with each board entitled to one vote. If a Member Board is represented by more than one delegate present at the time of voting, the vote may be split proportionately if its delegates wish. An associate member may serve as a Member Board delegate for voting purposes only when so designated by the Member Board's chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For Member Boards that require authorization from the state, such designation may come from the agency director for that board.

[Voting by one Member Board on behalf of another Member Board not physically present in the meeting room at the time of the vote shall not be permitted.](#)

Rationale

ACCA feels that the use of proxy voting may have a detrimental impact on the attendance at zone interim and annual meetings and have negative consequences on the Council.

Board of directors' position

Endorses, non-consent agenda

The Section does support the motion.

ACCA Motion 3

Move that a Special Committee on Bylaws be charged with incorporating the following language into

Bylaws 4.09.

Section 4.09 Board Audit Committee. The President, President-Elect, Immediate Past President, ~~and~~ Treasurer, and Finance Committee chair shall comprise the Board Audit Committee. The Board Audit Committee shall annually select and recommend for approval by the full Board the accounting firm that shall conduct the annual financial audit and prepare the annual financial statements of NCEES. The Board Audit Committee shall also review ~~and approve~~ and recommend for formal action by the full Board of Directors the audit results and final financial statement. The Board Audit Committee shall ~~and~~ approve the engagement of other financial consultants as may be necessary to facilitate its review of NCEES finances. Members of the Board Audit Committee must be free from any relationship that, in the opinion of the Board, would interfere with the exercise of independent judgment. The Board Audit Committee shall have a working familiarity with basic finance and accounting principles and practices.

Rationale

ACCA feels that the final approval of the annual financial audit should rest with the board of directors and not the Board Audit Committee. It also is proposing to add the Finance Committee chair to eliminate the potential of a tie vote.

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

ACCA Motion 4

Move that Administrative Policy 12 be amended as follows:

AP 12 Awards

NCEES will officially recognize members, associate members, emeritus members, and other volunteers who provide or have provided outstanding service to NCEES. The members of the Committee on Awards and the board of directors shall not be nominated for these awards while serving on the Committee on Awards or on the board of directors. In evaluating nominations, the following guidelines are to be observed:

Distinguished Service Award

- Must be a current member, a former member, or an emeritus member
- Must promote engineering or surveying licensure at the state or national level
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- May include participation in professional or technical societies as a consideration
- Must demonstrate active participation in member board activities
- Must include distinguished service on at least one NCEES committee
- May be nominated by a member board

Distinguished Service Award with Special Commendation

- Must have received the Distinguished Service Award at least six years prior to receiving the Distinguished Service Award with Special

Commendation. Any exception based on extraordinary circumstances must be approved by the NCEES board of directors with recommendation by the Committee on Awards.

- Must be a current member, a former member, or an emeritus member
- Must promote engineering or surveying licensure at the national level
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission and vision of NCEES
- May include participation in professional or technical societies as a consideration
- Must demonstrate active participation in member board activities
- Must include leadership or exemplary service on at least one NCEES committee
- May be nominated by a member board

Meritorious Service Award

- Must be a current or former associate member
- Must demonstrate positive contributions to the advancement of the engineering or surveying profession and the mission, vision, and goals of his or her board and NCEES
- Must participate in member board activities
- Must participate in the promotion of licensure or the enforcement of member board laws and rules
- Must include distinguished service on at least one NCEES committee
- May be nominated by a member board

Distinguished Examination Service Award

- Must demonstrate positive contributions and longtime commitment to the NCEES examination program
- Must have served on at least one of the Council's examination committees or exam-related task forces
- Must demonstrate exemplary service and leadership in the advancement and improvement of NCEES examinations and the exam-development process
- May be nominated by a member board, an exam committee, or the board of directors

President's Award

- May be given by the president to recognize an individual for outstanding service in support of NCEES

Rationale

AP 12 does not currently include a President's Award. ACCA recognizes that previous presidents have recognized individuals with a President's Award and is proposing to add this category of award to AP 12 for consistency and to ensure that additional expense is covered.

Financial Impact

The cost of the President's Award is estimated to be \$2,720 annually.

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

Committee on Member Board Administrators (1 motion)

MBA Motion 1

Move that the UPLG Committee be charged with incorporating the following language into *Model Law*

140.20 D:

140.20 Expirations, Renewals, and Reinstatement to Active Practice

D. If a licensee is granted inactive status, the licensee may return to active status by notifying the board in advance of this intention, by paying appropriate fees, and by meeting all requirements of the board, including demonstration of continuing professional competency as a condition of reinstatement. In the event that an inactive licensee does not maintain a current license in any jurisdiction and cannot show proof of lawful engineering and/or surveying practice, respectively, for the ~~three~~ five previous years prior to requesting reinstatement, that individual ~~will~~ may be required to take and pass the NCEES Principles and Practice of Engineering (PE) examination or the NCEES Principles and Practice of Surveying (PS) examination and jurisdiction-specific examinations prior to reinstatement to show proof of current competency.

Rationale

The intent of this section is to ensure that qualified individuals are practicing professional engineering and surveying. Most member boards do not require licensees to take an exam again in order to reinstate their license after having a lapsed license for a certain length of time. There are legitimate reasons that an individual may not have maintained a current license, such as working within an industry that did not require him or her to maintain a current license. The revisions above would allow a member board to use its professional judgment as to whether the specific circumstances of each situation would call for retaking any examination to prove competency.

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

Committee on Examination Policy and Procedures (3 motions)

EPP Motion 1

Move that a new Exam Administration Policy 1F be adopted and Exam Administration Policy 8A be amended as follows:

EAP 1 Administration of Examinations

- F. If a candidate's examination results are not released due to a suspected exam irregularity, the candidate will not be allowed to register for another exam until the initial results have been released.
- FG. A candidate for a CBT exam may take the examination only one time per testing window and no more than three times in a 12-month period.
- GH. The Committee on Examination Audit shall include, as part of its auditing responsibilities, a review of the examination administrative procedures manual for content and effectiveness.
- HI. If a member board bans an examinee from registering for an examination as referenced in EAP 8, it shall be the responsibility of that member

board to notify NCEES of the specific terms and reasons for the ban. NCEES will make this information available to all member boards. The decision as to whether another member board agrees to honor the terms of the original member board's decision to ban this examinee's registration will remain with the individual member boards.

EAP 8 Release and Use of Examination Results

- A. Examination results shall be released only to the respective member board, to its designee, or directly to examinees as directed by the member board. [Examination results for candidates suspected of an exam irregularity shall not be released until the irregularity has been resolved.](#)

Rationale

The EPP Committee evaluated a request to allow NCEES staff to temporarily suspend the ability for a candidate to register for any exam if he or she has exam results on hold due to exam irregularities. The committee recommends that this be allowed and is therefore proposing the changes shown above.

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

EPP Motion 2

Move that Exam Development Policies 1B, 3B, and 5B be amended as follows:

EDP 1 Examinations

It shall be the policy of NCEES in all publications and correspondence to refer to the respective examinations only as follows:

- A. Fundamentals of Engineering (FE) examination
- B. Principles and Practice of Engineering (PE) examination, including the Structural Engineering (SE) examination
~~The PE examinations are designated Group I or Group II as recommended by the Committee on Examinations for Professional Engineers (EPE) and approved by the board of directors.~~
 1. ~~Group I examinations are prepared solely by NCEES.~~
 2. ~~Group II examinations are prepared jointly by NCEES and a society that agrees to sponsor the examination in its discipline.~~
- C. Fundamentals of Surveying (FS) examination
- D. Principles and Practice of Surveying (PS) examination

The purpose of the examinations is to assess licensure candidates' abilities to practice competently as engineers or surveyors and to assist member boards in the regulation of the practice of engineering and surveying as it relates to safeguarding the health, safety, and welfare of the public.

EDP 3 Engineering and Surveying Examinations and Formats

- A. The Fundamentals of Engineering examination shall be administered via computer-based testing (CBT) and have supplied references.
- B. The Principles and Practice of Engineering examinations shall be offered

only in the following disciplines and shall be open-book, pencil-and-paper examinations or offered via CBT with supplied references as defined in EAP 4:

1. ~~GROUP I~~

- a. ~~Chemical~~
- b. ~~Civil~~
- c. ~~Electrical and Computer—Computer Engineering~~
- d. ~~Electrical and Computer—Electrical and Electronics~~
- e. ~~Electrical and Computer—Power~~
- f. ~~Environmental~~
- g. ~~Mechanical~~
- h. ~~16-hour Structural Engineering~~

2. ~~GROUP II~~

- a. ~~Agricultural and Biological~~
- b. ~~Architectural~~
- c. ~~Control Systems~~
- d. ~~Fire Protection~~
- e. ~~Industrial and Systems~~
- f. ~~Metallurgical and Materials~~
- g. ~~Mining and Mineral Processing~~
- h. ~~h. Naval Architecture and Marine~~
- i. ~~i. Nuclear~~
- j. ~~Petroleum~~
- k. ~~Software (to be discontinued after April 2019 exam)~~

- 1. Agricultural and Biological
- 2. Architectural
- 3. Chemical
- 4. Civil
- 5. Control Systems
- 6. Electrical and Computer—Computer Engineering
- 7. Electrical and Computer—Electrical and Electronics
- 8. Electrical and Computer—Power
- 9. Environmental
- 10. Fire Protection
- 11. Industrial and Systems
- 12. Mechanical
- 13. Metallurgical and Materials
- 14. Mining and Mineral Processing
- 15. Naval Architecture and Marine
- 16. Nuclear
- 17. Petroleum
- 18. 16-hour Structural Engineering

EDP 5 Entry of New Discipline or Depth Module to PE Examination Status

- B. No discipline shall be added ~~as a Group II examination~~ unless a technical society agrees to sponsor the examination. All technical societies that sponsor ~~Group II~~ examinations shall sign an agreement with NCEES delineating the responsibilities of both parties in developing the examinations.

Rationale

As part of the transition of PE exams to CBT, NCEES is taking on responsibility for the development of the Group II exams. The designation represented only the differentiation in development responsibilities. Therefore, the EPP Committee found no reason to continue to separate the exams as Group I and Group II in the policies and is moving to eliminate all references to them in the exam policies. The list of PE exams in EDP 3B was combined, renumbered, and alphabetized accordingly. The PE Software exam is not shown in the new list since its last administration was in April 2019 and it already would have been eliminated when the policy manual is updated in September.

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

EPP Motion 3

Move that Exam Development Policy 5 be amended as follows:

EDP 5 Entry of New Discipline or Depth Module or Reinstatement to PE Exam

- A. No discipline shall be added [or reinstated](#) to the examination program unless there is an EAC/ABET- accredited program in the discipline.
- B. No discipline shall be added [or reinstated](#) as a Group II examination unless a technical society agrees to sponsor the examination. All technical societies that sponsor Group II examinations shall sign an agreement with NCEES delineating the responsibilities of both parties in developing the examinations.
- C. Requests for examinations and/or depth modules shall be made by no fewer than 10 member boards collectively who can each demonstrate a need for the examination or depth module in their jurisdiction. A request older than four years must be reaffirmed by the member board. Requests shall include proof of such need, estimate of usage, and impact on safeguarding the health, safety, and welfare of the public. Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination or module and that additional knowledge areas and skills required for the discipline are sufficient to support a new examination or module.
- D. No discipline or depth module shall be added [or reinstated](#) to the examination program unless the number of candidates for an ongoing examination conforms to NCEES policies and procedures. If that is demonstrated, a professional activities and knowledge study (PAKS) shall be conducted to establish that the addition in question is composed of a unique set of knowledges important for safeguarding the health, safety, and welfare of the public.
- E. The request shall include a plan to develop the exam in CBT format.
- F. Member boards shall be notified one year in advance of the addition [or reinstatement](#) of any discipline or depth module to the PE examination program.

Rationale

The EPP Committee reviewed and discussed the path for adding new exams to understand the required steps. After reviewing them, the committee decided that the steps, whether they are applied to a new or a reinstated exam, are all necessary for the exam to be successful and functional. The committee is proposing the amendments shown above to state that the process for reinstating a discontinued NCEES exam should be the same as that of a new discipline or depth module.

Note: This language does not show the changes related to Group I and Group II exams (proposed in Motion 2) since they are separate items.

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

Rationale

The committee discussed that preparing and planning zone interim meeting budgets require a significant amount of work. If this motion passes, Council staff, working with the zone officers and host boards, would prepare the zone interim meeting budgets that would become part of the Council's operating budget that is approved at the annual meeting. The zone interim meeting revenue and expenses would be reported in the income statement as opposed to flowing through the zone's reserves. FP 4, Zone Contribution, would not be needed if the method of preparing zone interim meeting budgets is changed, so the committee is also proposing to eliminate FP 4.

In addition, because funding zone officers and zone service award winners would no longer be addressed in the *Zone Meeting and Continuity Guidelines*, the committee is proposing to add language to FP 3 to include them in the funding.

Note: Before proposing the changes shown above, the Finance Committee reorganized FP 3, Travel Expenses, to eliminate wordiness and redundancy. Because these were not substantive changes, the committee did not present the reorganization in a motion. The original FP 3 is included in this report's appendix for reference and to describe why and how the policy was reorganized.

Financial impact

The estimated reduction in annual meeting registration fee revenue is \$7,800, and the estimated annual meeting costs are \$25,468. The total estimated negative operation impact is \$33,268.

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

Public Outreach Task Force (1 motion)

Public Outreach Task Force Motion 1

Move that Position Statement 19 be amended as follows:

PS 19 Education

The primary role of NCEES is to facilitate professional licensure of engineers and surveyors and uphold standards necessary to safeguard the health, safety, and welfare of the public. The Council strongly advocates quality education ~~for~~ to prepare individuals to become engineers and surveyors, including K–12 and university education, as well as continued professional competency for licensees. ~~The Council~~ and supports efforts to develop educational standards required for licensure and to expeditiously disseminate those standards to its member boards.

The educational objectives of NCEES are to

- A. Advocate quality education that adequately prepares candidates for licensed professional practice. ~~Licensed professional practice includes, but is not limited to, all aspects of engineering and surveying regulated by state and territorial licensing boards or regulated by government agencies, which may include the following:~~ 1. K–12 education, as it informs students about the fields of engineering and surveying and prepares them for university study
2. Higher education, which prepares individuals for licensure and professional practice
- B. Recognize institutional indicators of quality education, which may include the following:
 1. Program educational objectives and outcomes that include a focus on preparing students for licensed professional practice as described in paragraph A above
 2. Program educational objectives and outcomes that are assessed in part by nationally validated content examinations
 3. Curriculum requirements that equate to the standards for licensure eligibility
- C. Establish program indicators of quality education for licensure eligibility, which include the following:
 1. Nationally validated assessment methods
 2. Program educational objectives that specifically direct the educational standards toward licensed professional practice
 3. Compliance with prescribed pass rates on nationally validated content examinations
- D. Assist member boards in evaluating the indicators and metrics as established for licensure eligibility.

Rationale

This position statement recognizes that engineers and surveyors play a vital role in safeguarding the health, safety, and welfare of everyone. As such, promoting licensure to create awareness related to its value and overall effects to the public should include K–12 education and higher education—and not be limited to any particular audience.

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

Surveying Exam Module Task Force (1 motion)

Surveying Exam Module Task Force Motion 1

Move that the PS examination be restructured into the following separately scored divisions and that the EPS Committee be charged with implementation:

- Core PS
- Boundary
- PLSS
- Mapping science
- Incidental drainage design

Rationale

The task force believes that to better serve the member boards and to safeguard the health, safety, and welfare of the public, a major change in the current process for examining professional surveyors is needed. By moving to a divisional approach, the member boards can be better served by knowing that examinees have proven competence in several areas. The task force also believes that a divisional exam approach will allow for less duplication between jurisdictional exams and the national exams, hopefully allowing member boards to modify current jurisdictional exams to test things that are truly limited to a specific jurisdiction. And, finally, the task force believes that this approach will allow those member boards that license mapping scientist/photogrammetry and/or having mapping science in their definition of surveying to adequately test for competence in that area (the same goes for incidental drainage design).

Financial impact

The full financial impact is yet to be determined. If the modifications to the examination can coincide with the next scheduled professional activities and knowledge study (PAKS), there will be some additional cost to NCEES to bring in subject-matter experts in areas not covered by the current PS examination. Ongoing expenses for exam development will include bringing in subject-matter experts in the areas not covered by the current PS exam; however, doing so will not happen for a number of years. If this motion passes, the task force recommends for the Committee on Finances to work with the EPS Committee to develop the examinee cost for each division of the exam.

The task force estimates that for fiscal year 2019–20, \$50,000 needs to be budgeted for further psychometric work to determine how the divisions would be scored and administered plus estimating the reliability of having shorter exam lengths (fewer questions) in a given division versus the current PS exam length of 100 questions.

Board of directors' position

Endorses, consent agenda

The Section does support the motion.

Committee on Uniform Procedures and Legislative Guidelines (1 motion)

UPLG Motion 1

Move that the *Model Rules* 240.30 C6 be amended as follows.

240.30 Continuing Professional Competency

C. Qualifying Activities

PDHs may be earned as follows:

1. Successful completion of college courses
2. Successful completion of short courses, tutorials, webinars, and distance-education courses offered for self-study, independent study, or group study and through synchronous or asynchronous delivery methods such as live, correspondence, archival, or the Internet
3. Presenting or attending qualifying seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, conferences, or educational institutions
4. Teaching or instructing in 1 through 3 above
5. Authoring published papers, articles, books, or accepted licensing examination items
6. Active participation in professional or technical societies [or in accrediting organizations](#)
7. Patents
8. Active participation in educational outreach activities pertaining to professional licensure or the surveying/engineering professions that involve K-12 or higher education students

D. Units

The conversion of other units of credit to PDHs is as follows:

1. 1 semester hour	4
2. 1 quarter hour	3
3. 1 continuing education unit	1
4. 1 hour of professional development in coursework, seminars, or professional or technical presentations made at meetings, conventions, or conferences ...	1
5. For teaching in 1 through 4 above, apply multiple of 2*	
6. Publications	
a. Each published peer-reviewed paper or book in the licensee's area of professional practice	1
b. Each published paper or article (other than 6.a above) in the licensee's area of professional practice	4
7. Active participation in professional and technical society (each organization)	2
8. Each patent	1
9. 1 hour of outreach activities	1

exceed 3 PDHs)

* Teaching credit is valid only for the first offering or presentation.

Full-time faculty may not claim teaching credit associated with their regular duties.

Rationale

Last year's Education Committee presented an annual meeting motion to charge UPLG with incorporating "or in accrediting organizations" to paragraph C6 as shown above. The motion passed, and UPLG received this charge. The Education Committee's rationale for making this change was that the language of the *Model Rules* appears to exclude qualifying participation in accrediting organizations, and the committee believed that this was not the intent of this rule.

The Education Committee further stated that it “discussed the training and time commitment that ABET program evaluators and team chairs provide when performing their evaluations and how that may or may not be fairly credited toward various jurisdictions’ continuing education requirements. The committee determined that it is not in NCEES’ purview to define specific hours of continuing education credit for this activity, but rather to recommend ‘accrediting organizations’ as a similar activity as professional or technical societies in its *Model Rules*.”

In its review of last year’s Education Committee language, the UPLG Committee had questions about “accrediting organizations.” Did it mean organizations acceptable to just EAC/ABET, or would it allow others? Should the phrase be further defined? Should it be listed separately from “professional or technical societies”? It sent these questions to this year’s Education Committee for clarification.

The Education Committee responded to UPLG’s questions and said that the original charge to last year’s Education Committee was to evaluate if and how ABET program evaluators can receive PDH credit for this effort and that no “bucket” exists in the NCEES model documents. The Education Committee noted that the term “accrediting organizations” does not seem as vague as the term “professional or technical societies,” as listed in the same paragraph. Breaking out the new term into a separate category did not seem the way to go since it would require adding the number of units under section D (shown for reference), something the Education Committee was hesitant to do since defining the number of hours would be difficult.

After receiving the Education Committee’s more detailed rationale, UPLG decided to present the language as the Education Committee originally presented it (and as shown above).

As a result of this review, UPLG has two recommendations. It recommends that the Education Committee be charged with reviewing C7 to define what activity related to a patent is acceptable (should it be attaining a patent related to engineering or surveying?) and to make it an action like others in the list. It also recommends that the Education Committee be charged with considering whether to add a new C9 for “Other qualifying activities approved by the board.”

Board of directors’ position

Endorses, consent agenda

The Section does support the motion.

NCEES Board of Directors (1 motion)

Board of Directors Motion 1

Move that the Special Committee on Bylaws be charged with incorporating the following language into *Bylaws*

3.09.

Section 3.09 Zone Organization. Each zone shall adopt the *Zone Meeting and Continuity Guidelines* for its organization and operation consistent with and in

conformity to the NCEES *Bylaws*.

Each zone shall submit copies of its minutes ~~and an annual financial statement~~ to the Council at the Annual Business Meeting of the Council. Each zone shall elect an Assistant Vice President who shall serve a two-year term concurrent with the Vice President. The Assistant Vice President shall assist the Vice President, shall perform the duties outlined in the *Zone Meeting and Continuity Guidelines*, and shall perform all duties of the Vice President in the event that the Vice President is unable to perform for any reason. This shall include fulfilling the duties as Vice President on the Board of Directors.

Each zone shall elect a Secretary-Treasurer. Members and associate members shall be eligible to hold the office of Secretary-Treasurer. The Secretary-Treasurer shall keep and have published zone minutes, and maintain records of zone activities, ~~and handle zone financial affairs under the direction of the Vice President.~~

Administration of the financial affairs of the zone shall be consistent with those of the Council as governed by the Council's Articles of Incorporation and the *Bylaws*, ~~with submittal of financial statements as required.~~

Rationale

If the Committee on Finances Motion 5 passes (which essentially will allow Council staff, working with the zone officers and host boards, to prepare the zone interim meeting budgets), these changes to *Bylaws* 3.09 are needed to agree with the Finance Committee modifications to Financial Policies 3 and 4.

Board of directors' position

Endorses, consent agenda
The Section does support the motion.

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

**Conflict of
Interest / Travel
Vouchers**

There being no further business, the meeting was adjourned at 2:17 p.m.

Adjourn

Christopher Stone, Chair

Mary Broz-Vaughan, Secretary

Public Comment

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

Review of Files

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

Record (As-Built) Plans

The final plan milestone is Record (As-Built) Plans. These plans will show all adjustments and revisions to the Construction Plans made during construction and serve as a permanent record of the actual location of all constructed elements. As-Built Plans shall be prepared by a Professional Engineer licensed in Virginia and submitted with the final application for payment. The Professional Engineer responsible for As-Built Plans shall certify to the best of their knowledge that the plans represent the actual locations of all constructed elements. As an example, the Professional Engineer should affix the following statement to the set of plans:

To the best of my knowledge, these plans show all adjustments and revisions to the Construction Plans made during construction and serve as a permanent record of the actual location of all constructed elements.

Signature

Date

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

CHAPTER 4

Right of Entry, Property, Prescriptive Easements, & Metes and Bounds

Sec. 4.01	<u>Right of Entry Notifications</u>
Sec. 4.02	<u>Property Data, Right-of-Way, and Municipal Boundaries</u>
Sec. 4.03	<u>Prescriptive Easements - Guidance</u>
Sec. 4.04	<u>Metes and Bounds Surveys</u>

Sec. 4.01 Right of Entry Notifications

Sec. 4.01.01 Legal Policies & Responsibilities

The Code of Virginia ([Section §33.2-1011](#)) prescribes our right for entering property for highway related purposes, courtesy demands that this right must not be abused. Every possible effort must be made by all entering the property to contact public and private property owners prior to entry. Entry to railroad property must be coordinated through the Right of Way Rail Section.

The Code of Virginia provides VDOT the authority to enter property to gather the necessary information for highway related purposes, but requires VDOT give notice as outlined hereafter.

1. Request for permission to enter – Sent to request permission to enter the property. Each permission letter request will include a postcard (see [Figure 4E](#)) with pre-paid postage and include the following information on attachment 1 in the body of the letter:
 - A. Entities accessing the property
 - B. Number of people for each activity
 - C. Purpose of the entry
 - D. Entry dates
 - E. Type of Testing, appraisals or examinations
 - F. The VDOT brochure "Let's Take a Look" (LTL) which provides an overview of the survey activities which must be sent with each letter that includes survey activities.
2. The permission letter will be delivered by one of these three methods (see also [Figure 4D](#) for delivery methods):
 - A. Certified mail
 - B. Overnight Courier
 - C. In person delivery with proof of deliver (signature required)
3. When the property owner confirms permission by postcard return (signed) or in-person signature, no further action is necessary for the time period specified in the letter.
4. If permission to enter is not received by post card or in person signature within 15 days, the code requires VDOT to send a Notice of Intent to enter notification letter in two different delivery manners as described below:
 - First Notification – The first notice of intent letter shall include items outlined in number 1 (A-E) **and** a copy of the permission letter sent previously. These two letters shall be delivered by **certified mail**.

- Second Notification - The second notice of intent letter shall include items outlined in number **1 (A-E)** and a copy of the permission letter sent previously. These letters may be delivered by:
 - A. Posting on the entry door to the property that appears to be the main entrance of the residence or business property or posted on the property if vacant.
 - B. Overnight Courier
 - C. In person delivery with proof of deliver (signature required)
5. When VDOT sends a notice of intent letter, entry for the performance of each activity will take place at least 15 days after the date of the notice of intent letter and within the time periods stated in the notice of intent letter.

The standard permission right of entry (ROE-P) and intent right of entry (ROE-I) letters shown on [Figure 4-A](#) & [Figure 4-B](#) of this chapter shall be prepared for each owner indicating each parcel by address and/or tax id number. These letters will be used statewide to insure uniformity under Section 33.2-1011 of the Code of Virginia. **The standard permission and intent letters shall NOT be modified unless permission is received from the Division administrator.** These two letters are Department standard for entry for Environmental, Location and Design and Materials Divisions. No other letters are permitted.

Templates for these letters are shown below and can be found in ProjectWise in the following directory:

[\Documents_Standards\ProjectWise Documentation\VDOT Survey standard Forms\Right-of-Entry](#)

If task is going to exceed the duration indicated on the ROE (Permission or Intent) letter, another letter shall to be sent 30 days prior to the end of the original letters date unless the property owner is contacted and provides written permission for time extension.

Time Extensions

A time extension may be obtained by:

- i. Providing a new copy of the permission letter with the new extended dates on attachment 1 to the property owner in person. If unable to meet in person then you must follow the new right of entry process as outlined above in number 1.
- ii. Obtaining a signed copy of the postcard with a copy of the attachment 1 attached from the property owner for the Departments records documenting the extension.

All notifications must follow the steps outlined in Sec. 4.01.01 and the attached workflow. The Location and Design notification work flow is attached as an example for other divisions. [Figure 4-D](#)

Each Division will need to modify the L&D workflow for their use to show who is responsible for each part of the process.

Sec. 4.01.02 **Notification Documentation Policies**

Office

Prior to any fieldwork involving private/public property, the VDOT personnel or Consultants shall review the county real estate maps for the purpose of completing the provided excel list of all property owners to be affected by the proposed survey.

All property owner master information spreadsheets (POL-Master) shall be saved to the following folder location for each project:

..\UPC#\Project Documents\Survey\Research

*A blank **POL-MASTER (PROPERTY OWNER LIST)** excel file is provided in the folder for new projects along with ROE-P and ROE-I template letters for mail merge. **This spreadsheet is mandatory and must be filled out for all projects so notifications can be tracked.** Other divisions may make a copy of this spreadsheet for their use and will provide Survey a link to their copy so the master file can be updated once completed.*

For older projects, these files can be found in ProjectWise:

\Documents_Standards\ProjectWise Documentation\VDOT Survey standard Forms\Right-of-Entry

Additional instructions are provided for the POL-master and mailmerge in the directories.

Copy the documents to the appropriate project folder as needed

All ROE letters for L&D shall be saved to the following folder location for each project:

..\UPC#\Project Documents\Survey\Right of Entry

Field

In making surveys of any nature, survey party personnel usually are the first agents or representatives of the Department to encounter private property owners. Since first impressions often are lasting ones, it is of utmost importance that all contacts with private/public property owners be handled with integrity and in a courteous and business-like manner. There can be no reasonable excuse for the failure to make these contacts, particularly when the owner lives on the property or in the vicinity.

All Survey Parties, internal or Consultant, shall keep extra copies of the ROE letter, postcards and brochure in their vehicles while making the location survey. These should be provided to property owners who may have not received one or who want another ROE letter and brochure.

Sec. 4.01.03 Property Owner Documentation

A ProjectWise link to the Property Owner List shall be furnished to the Resident Engineer and/or Project Manager. This will enable the Resident Engineer and/or Project Manager to be better prepared to handle inquiries that may be made as the survey progresses.

Any returned letters from the postal service shall be saved, indicated on the master list as returned, and communicated to the appropriate field personnel. The Project Manager and Survey Manager are responsible for determining if additional efforts are required to contact the land owner.

Sec. 4.02 Property Data, Right-of-Way, and Municipal boundaries <sbdl(UPC#)>

Existing fee right-of-way, property lines, limited access, municipal boundaries, public/private easements and prescriptive easements will be shown on all survey deliverables.

Sec. 4.02.1 Property <sbdl(UPC#)> & <spo(UPC#)>

Research

All pertinent data from court records, such as subdivision plans, tract plans, deed book descriptions, etc., should be carefully copied, reviewed and checked for legibility when copies are made from the records. Chain of title researched shall be documented.

*All owner information shall be input in an excel property owner list file. A blank **PROPERTY OWNER LIST** excel file is provided in the folder (..\UPC#\Project Documents\Survey\Research) for new projects fill out all pertinent information on the Property Owners Deed Info tab only. The RW sheet tab is used to populate the RW data sheet later in project development after RW parcel numbers are assigned. The mail merge tab is setup to create the ROE letters. Instructions are included in the spreadsheet.*

The following pieces of information shall be obtained per parcel: <> - denotes ProjectWise file location

- | | |
|----------------------------------|--|
| 1. Tax or GPIN Map | <..\Project Documents\Survey\Research\GIS Tax Maps > |
| 2. Tax or GPIN Card | <..\Project Documents\Survey\Research\GIS Tax Maps > |
| 3. Most recent deed | <..\Project Documents\Survey\Research\Deed-Plats > |
| 4. Most recent plat | <..\Project Documents\Survey\Research\Deed-Plats > |
| 5. Zoning | <..\Project Documents\Survey\Research\GIS Tax Maps > |
| 6. Title (if available) | <..\UPC#\Project Documents\Survey\Research\Title> |
| 7. Easements | <..\Project Documents\Survey\Research\Deeds-Plats > |
| 8. Proffers, zoning restrictions | <..\Project Documents\Survey\Research\Deeds-Plats > |

Property ties shall be sufficient to establish departing lot lines based on record information, field evidence and the professional standard of care for route surveys.

All found property corners (monuments, stones, iron pins, trees, fence corners, etc.) shall be located from the traverse baseline and will be referenced to the final construction centerline/baseline by station and right angle offset after utility field inspection (UFI). Both station and offset shall be shown to the nearest one-hundredth foot (**0.01 ft**).

Property lines shall have a bearing based on the VDOT project datum and be shown in the sbd(UPC#) file. The recorded deed or plat bearing and distance will be shown in parenthesis. When different plat bearings and distances are encountered on the same line of adjacent properties, both bearings and distances will be shown with care given to the placement of these bearings and distances on the appropriate side of the property line.

The names of all property owners shall be shown as recorded in the deed book, with the deed book and page number, plat book & page number, tax map or GPIN #, and acreage(x.xxx) or square footage(x,xxx) and shown in the spo(UPC#) file. Acreage shown on the R/W Data Sheet will be shown in the units described in the recorded deed. ***Where acreage or square footage is not recorded none is to be calculated, and a note, in parenthesis, will so state.***

When subdivided land is encountered, prints of the subdivision, as well as the names and addresses of the effected owners should be secured. Using the prints, an accurate tie at a minimum of three points on the subdivision should be made. It will not be necessary to tie each individual lot.

In the case of small lots that are not part of a subdivision, the entire lot should be shown so that it can be determined how much of the lot will remain after the right-of-way is secured. The bearings (plat or survey) and distance on all property lines between corners, which fall within the proposed right-of-way, must be shown.

Easement Research

Easement research shall be performed on each parcel within the project limits based on visible field evidence, a 100 year records search, and coordination with SUE consultants if used for designation.

All easement research notes shall be scanned to a pdf file per parcel. The easement deeds will be provided in a PDF file and will be saved to the following ProjectWise project folder:

..\UPC\Project Documents\Survey\Research\Deed-Plats

Easement Deed PDF files shall be named based on tax map/gpin number:

Example: tm34-50-###.pdf. ### is easement type.

Easement research notes shall be named based on the tax map/gpin number:

Example: tm34-50-Esmt-Research.pdf.

Once obtained, internal or consultant staff will review, plot, and label all easements that are applicable to the parcel to the project limits. The sbd(UPC#) file shall be used to map the easements and annotated with the pertinent deed book and page.

Any plottable & non-plottable easements that affect the parcel shall be documented in the easement research notes per parcel. This file shall be attached to the parcel tax map/gpin number text in the spo(UPC#) for each parcel. To attach, select the appropriate tax map/gpin text, right click and select add link.

Special Properties/Total Takes

Complete metes and bounds descriptions are required for the acquisition of land owned by U.S. Government, State Agencies, National Forest Service, Railroad Companies, Power Companies (Dominion VA Power) and total takes. Metes and bounds descriptions will be provided to the Right of Way Division with plats on these parcels. Any legal description written will commence at the nearest offset point with the lowest stationing off the construction centerline thence clockwise around the parcel.

When a metes and bounds survey is required, the survey party will make sufficient ties of the existing corners to the survey baseline and will reference to the final construction centerline/baseline by station and right angle offset. When property belonging to any agency of the United States Government is crossed by the centerline, the distance from the centerline crossing to the nearest tract corner measured along the Government's property line will be obtained.

ec. 4.02.2 Right-of-Way, Proffers, Limited Access, & Easements [<sbid\(UPC#\)>](#)

All existing fee simple dedications, donation right of ways, limited access and easements will be shown on plans. Right of way monumentation locations shall be secured by use of total station. Right of way ties shall be sufficient to establish right of way based on record information, field evidence and the professional standard of care for route surveys. Label and show the existing right-of-way and easements. Right-of-way labels shall include a reference to the old project or record source.

Courthouse and old project file research are critical to establishing the fee right of way and easements. Plans are available on ProjectWise at Central Office. If old plans show existing right-of-way, the old data sheet can be checked as the research is performed.

The local planning offices will be checked to determine if any right-of-way proffers exist or dedications to local governing bodies.

Prescriptive or statutory right of way easements are to be shown on the plans but will not be shown or labeled as existing fee right of way. See Sec. 4.03 for guidance on Prescriptive easements

A note will be placed in the survey file indicating which parcels are affected by the prescriptive easement. Property lines will be extended into the prescriptive easement to their terminus according to record data or the center of the traveled way. These lot lines will not be connected along the center of the traveled way, unless described by metes and bounds in the deed of record.

Limited Access

Existing limited access will be shown on all plans. On all surveys where limited access right-of-way is proposed or anticipated, properties that will be landlocked due to the control of access are to be so noted at the time the location and width of the proposed right-of-way is determined. This should be addressed with the Survey Report.

Sec. 4.02.3 **Municipal Boundaries** [<sbid\(UPC#\)>](#)

The names of all cities, towns, villages (whether incorporated or unincorporated) must be shown. Accurate tie-ins must be made for all corporate limits, county or state lines, etc., showing stations and angular ties. When a project encompasses two or more cities or counties the city/county lines must be shown depicting the border. The appropriate names should be on each side of the boundary line. If a project is only located in one county or city, the Title Block description will suffice.

Sec. 4.03 Prescriptive Easements – Guidance

Note: This guidance language has been redrafted from a guidance document entitled: “Property lines along public roads without recorded fee simple right of way” provided to the Virginia Department of Transportation by the Department of Professional and Occupational Regulation (APELSCIDLA Board). The Department is publishing this guidance at their request and appreciates the collaborative effort to clarify this topic for the survey community.

Sec. 4.03.1 History

The roads in VDOT Secondary System of the State Highways are often referred to a “Byrd Act Roads”. This is a misnomer and generally refers to roads not dedicated in fee simple. Nothing within the act guides the surveyor on how to delineate the existing roads. The Byrd Act is legislation from Virginia Acts of Assembly, VA 1932, which provided relief to counties for road construction and maintenance. It created the Secondary System of Highways, and passed whatever title and interests in public roads, held by participating counties to the Commonwealth. However, in 1943, almost all roads were by common use, prescriptive. Counties generally held no title interests to the roads at the time. The main points accomplished in this act are:

- Created Secondary System of Highways.
- Relieved counties of duties of control, supervision, management, and jurisdiction.
- Limits on taxation and various methods of funding roadways.
- Directed State Highway Commission (SHC) to make maps of highways and future expenditures.
- Directed inventory of maintenance equipment.
- Vested the State Highway Commissioner with the powers of Eminent Domain for purposes of secondary system, and authorized county Boards of Supervisors to act to do the same.
- Retained authority of counties for the establishment of new roads for the secondary system.
- Authorized SHC to direct counties to maintain roadways at a specified standard, and directed funding supplement.
- Allowed counties to opt out of the Secondary System: Arlington and Henrico counties remain out of the system.

Prescriptive easements arise from continuous use of a particular area for a particular purpose for a requisite period with knowledge and acquiescence of the owners. These easements are thought vested in the public interest for purpose and right-of-passage over the way.

The Code of Virginia offers the following:

§ [33.2-105](#) - Evidence as to existence of a public highway.

When a way has been worked by highway officials as a public highway and is used by the public as such, proof of these facts shall be prima facie evidence that the same is a public highway. And when a way has been regularly or periodically worked by highway officials as a public highway and used by the public as such continuously for a period of 20 years, proof of these facts shall be conclusive evidence that the same is a public highway. In all such cases, the center of the general line of passage, conforming to the ancient landmarks where such exist, shall be presumed to be the center of the way and in the absence of proof to the contrary, the width shall be presumed to be 30 feet.

Nothing contained in this section shall be construed to convert into a public highway a way of which the use by the public has been or is permissive and the work thereon by the highway officials has been or is done under permission of the owner of the servient tenement.

Code 1950, § 33-98; 1970, c. 322, § 33.1-184; 2014, c. 805.

Sec. 4.03.2 **Retracement**

Solving any boundary retracement problem requires two elements: the written intention of the parties and the physical evidence that documents or witnesses the written intention. What is the surveyor to do when the road is a prescriptive right? This guidance document highlights the generally acceptable practices for surveys along prescriptive roads. There are many of these roads in Virginia.

No Recorded Fee Simple Right of Way

These roads are often described as prescriptive right of way or prescriptive easements. The minimum width is 30' by code. There may be cases where the width is wider in some instances due to the maintenance of the highway.

Based on the recorded descriptions the surveyor shall determine when the road is the controlling monument, as in this example, “along the Ox Road, the following courses, N 27 ½ ° W, 9 Poles.” Generally, calls for the center of the road, along the road, or similar phrases indicate the monument is controlling. In those cases, the center of the road is the boundary.

When there is evidence of an old road scar or the current road having been in a different location, a determination of whether to use the current road or the old road location shall be made based on the preponderance of the evidence and information that can be obtained. The property line shall be established using the center of one road location or the other.

Under no circumstance shall the property line be established as 15' from the center of the road without recorded fee simple dedication for public road purposes.

No Recorded Fee Simple Right of Way –Previous Surveys

Surveyors often retrace property boundaries abutting public roads with no recorded fee simple right of way where a previous survey has mistakenly established the property line as being 15' off the center of the road creating a strip.

Surveying after someone has placed monuments 15' from the centerline of the traveled way along a prescriptive easement road can raise questions. Did they intend to sever the 15' strip? Did they record a plat of survey, and metes and bounds description where they reference those as an offset to the centerline? Do we treat found, called for, iron pipe or other called for monument, along the sidelines as offsets to the true corners?

Under closer inspection of the chain of title for the property, we often find no mention of intention to dedicate fee simple right of way. The property likely passed multiple conveyances using such description which patently severs the subject property from the area of the prescriptive easement. How then is best to handle the severed strip and the property fronting the road?

A. Ambiguous Descriptions

Provided there is no affirmative fee simple dedication on record, accepted rules of law for reconstruction of intent, namely that a "called for" natural monument overrides an artificial monument, thus center of traveled way overrides the iron pipes set 15' from the centerline if the deed calls the road as the boundary.

In absence of a "clearly and expressly reserved legal title," (Smith v. Smith, 622 A.2d 642 (1993)) assume the grantor conveyed the full bundle of rights they held, not intending to hold back a strip. Inconsistencies and uncertainties are "resolved in favor of the grantee as long as such a construction does not violate any apparent intention of the parties to the transaction." Rohner v. Niemann, 380 A.2d at 552. (Id.) and "a conveyance of title to adjacent property served by an easement is presumed to pass title to the center line of the easement." 12 Am.Jur.2d Boundaries §§ 22, 38, 54 and 55 (1964). (Id.)

Unless there is evidence to the contrary, the assumption shall be made that the intent was not to sever or create a parcel 15' wide along the road.

Further, the assumption shall be made that the "grantor is presumed to intend to convey the largest bundle of rights he or she possesses", (Smith v. Smith citing 23 Am.Jur.2d Deeds § 335 (1983)); the survey shall go to the center of the center of the road or old property line location as described previously.

B. Certain & Complete

A metes and bounds description clearly indicates a property not including the road, and is whole and complete upon its face. “Where the description in a deed is not ambiguous, but certain and complete, there is no occasion to resort to extrinsic evidence to ascertain the intent of the parties as to the land intended to be conveyed,” (Ault v. Clark, 112 N.E. 843 (1916)).

Assume the strip may not have conveyed. The preferred solution is cleaning the chain of title. This may be the most advantageous solution when working toward a fee simple dedication for expanding the road. Cleaning the title of uncertainties by using eminent domain condemnation on the severed strip, allowing any interested parties to come forward yet, still gaining fee simple title for the City, County, Town, or Commonwealth. This solution should be undertaken in consultation with the governing municipality.

These parcels shall be clearly labeled and identified in the VDOT deliverables <subd(UPC#)> and identified to Right of Way as soon as possible.

Subdivision Right of Way

As a point of law, dedication of platted streets conveys in fee simple to the municipality after 1946 when the (state) Subdivision Code authorized the action of automatically conveying fee of rights-of-way of duly approved subdivisions to the municipality.

§ 15.2-2265. Recordation of approved plat as transfer of streets, termination of easements and rights-of-way, etc. (in part)

The recordation of an approved plat shall operate to transfer, in fee simple, to the respective localities in which the land lies the portion of the premises platted as is on the plat set apart for streets, alleys or other public use and to transfer to the locality any easement indicated on the plat to create a public right of passage over the land. The recordation of such plat shall operate to transfer to the locality, or to such association or public authority as the locality may provide, such easements shown on the plat for the conveyance of stormwater, domestic water and sewage, including the installation and maintenance of any facilities utilized for such purposes, as the locality may require.

Note: The subdivision narrative must include language dedicating the right of way to the governing municipality and be signed/accepted by the municipality. Statements like: Dedicated to public use, Future right of way, public road, etc., labeled on the plat do not meet the necessary standard for dedication alone. **Areas labeled as such without the dedication statement or dedeeded dedication shall be clearly labeled and identified in the VDOT deliverables <subd(UPC#)> and identified to Right of Way as soon as possible.**

References (Sec. 4.03 only):

Ault v. Clark, 112 N.E. 843 (1916)

Code of Virginia, 2018, Title 15.2. Counties, Cities and Towns, Chapter 22. Planning, Subdivision of Land and Zoning, § 15.2-2265. Recordation of approved plat as transfer of streets, termination of easements and rights-of-way, etc. Retrieved from:

<https://law.lis.virginia.gov/vacode/title15.2/chapter22/>

Code of Virginia, 2018, Title 33.2. Highways and Other Surface Transportation Systems Chapter 1. Definitions and General Provisions, § 33.2-105. Evidence as to existence of a public highway. Retrieved from: <https://law.lis.virginia.gov/vacode/title33.2/chapter1/section33.2-105/>

Smith v. Smith, 622 A.2d 642 (1993)

Spainhour v. Huffman, 237 Va. 340, 377 S.E.2d. 615; 1989 Va.

Virginia Administrative Code, 2018, Title 18. Professional and Occupational Licensing, Agency 10. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Chapter 20. 18VAC10-20-370. Minimum Standards and Procedures for Land Boundary Surveying Practice. 2018, Retrieved from:

<https://law.lis.virginia.gov/admincode/title18/agency10/chapter20/section370/>

Ward v. Harper, 234 Va. 68, 70, 360 S.E.2d 179, 181 (1987).

Sec. 4.04 Metes and Bounds Surveys

A metes and bounds survey will be required on parcels of land to be purchased for use as District or Residency offices or Maintenance Area Headquarters and may be requested by other State Agencies. When the acquisition of land involves property owned by U.S. Government, State Agencies, National Forest Services, Railroad Companies, and Power Companies (Dominion VA Power), a metes and bounds survey is required. **See Section 7.08 and the Right of Way Manual of Instructions Sections 5.6.6-5.6.9.** These surveys will be prepared by computer-aided drafting techniques (CADD). Each sheet must contain a title block, filled out completely. The title block will contain the following information: county name, magisterial district, the name of the Survey Party Manager or Consultant, date of survey, scale bar, the proposed use of the parcel of land and the name of the person or persons from whom it is to be acquired.

The survey must be tied into the construction centerline or baseline of adjoining or nearby projects and the existing right-of-way, whether owned in fee or as an easement or dedication, shall be shown. Directions and distances to nearby towns as well as the adjacent route and project should be shown. Measure the angles and compute the bearings to the nearest second and measure distances between transit points to the nearest one-hundredth foot (**0.01-ft**). The survey plat shall show all pertinent features such as streams, wooded areas, swamps, roads, buildings, fences, etc. The owner names and property lines of all adjoining properties must be shown.

The bearing and length of each course should be shown on the inside of the 'lot' line and recorded bearings and length, if any, should be shown in parenthesis on the outside of the 'lot' line (**Figure 4-C**). When a part of the boundary line is a curve, the central angle, length of chord, chord bearing, delta, length of curve and radius of the curve must be shown in the CADD file. Areas greater than or equal to 1 acre will be shown in acres to 3 decimal places (x.xxx). Areas less than 1 acre will be shown to square feet (x,xxx).

A closed-loop traverse shall be completed in the field around the perimeter of the boundary. All angles and distances shall be entered, in sequence, into a Coordinate Geometry program. The "Compass rule" method of adjustment should be used and a least squares adjustment is acceptable. The output data from the computer will be in two sections. The first section will contain the data just as it was entered from the field book, or data collector, and will give the bearing of the error, the length of the error and the ratio of the error. The second section will show the closed, adjusted data with the area of the traverse in acres and square feet. The traverse must have a zero error of closure in order to receive the correct area from the computer. However, the metes and bounds shown on the CADD file should be that of the closed data provided the error of closure does not exceed one in ten thousand (1:10,000). Should the closure exceed one in ten thousand, sufficient field checks should be made to correct any discrepancies.

A copy of both sections of the output form must be uploaded to the appropriate ProjectWise folder and an email sent to the Central Office (Geospatial* Program Manager), along with the CADD files and a legal description. Any legal description written will commence at the nearest offset point with the lowest stationing off the construction centerline thence clockwise around the parcel. If the construction centerline is not available, an easily identified, unique point will be chosen as a point of beginning and the courses will run in a clockwise direction.

* Rev. 3/19

Figure 4-A

«_P1_LetterDatea»

«_P2_Full_Addressa»

Re: **Permission to Enter – Right of Entry**

Project Name: «M__P3_Project_Namea» County: «_P4_Countya»
Project Number: «M__P5_Projecta» Route:«_P6_Routea»

Dear «_P7_Greetinga»:

The Virginia Department of Transportation (VDOT) is beginning to perform preliminary engineering studies on the above referenced project and will soon be working in your neighborhood. As part of the preliminary studies, there are field information gathering efforts to determine the transportation project's suitability and allow for informed decision-making. Please be assured that this work does not mean the proposed project will affect your property. In the event that the proposed transportation improvement project will impact your property, a VDOT representative will personally contact you.

Section § 33.2-1011 of the Code of Virginia provides VDOT the authority to enter your property to gather the necessary field information, but requires VDOT give you notice as outlined hereafter.

1. Request for permission to enter your property.
 - o A prepaid post card is included for you to sign and return granting permission for VDOT representatives to conduct the identified activities specified in Attachment 1. VDOT representatives may enter your property upon receipt of the permission, and plans to enter within the time periods stated in this letter.

2. If permission to enter is not received within 15 days, the code requires VDOT to send an additional notice of intent letter.
 - o The notice of intent letter will arrive by certified mail and an additional notice will either be posted on your door, sent by overnight courier, or hand delivered.
 - o If VDOT sends a notice of intent letter, entry for the performance of each activity will take place at least 15 days after the date of the notice of intent letter and within the time periods stated in the notice of intent letter.

Attached to this letter, as **Attachment 1**, is a list of entities expected to be on your property, the number of employees of each entity expected to be on the property, the activities to be performed by each entity, the properties affected, and a date range for each activity to be performed. While fieldwork will begin on the entry date specified on Attachment 1 and will be completed within the specified time frame, it may be intermittent for each activity. Any individuals entering the property shall carry identification and shall present such identification upon request. Please note that representatives from the US Army Corps of Engineers and other state and federal agencies may also be in attendance during the VDOT site visits to assist in preliminary engineering work.

Should there be any need to further access your property for study purposes beyond the time frame specified above, we will discuss this with you in person or send you additional requests for permission to enter. If you have tenants living or working on your property, please notify them of these potential activities.

If you have any knowledge of cemeteries, easements, or homeowner-installed utilities that are not recorded in your locality's public records or if you have knowledge of any particular items of interest that may affect the improvements in your area, please notify me. In addition, if you have any concerns or questions regarding our entry or would like advance notification prior to field work being conducted on your property, please contact me or the specific activity related point-of-contact found on **Attachment 1** for assistance.

We appreciate your help in our task of planning and designing improved transportation facilities for your community and the citizens of Virginia.

Sincerely,

«M__P8_PM_Namea»

«M__P10_PM_Telephonea»

«M__P11_PM_Cella»

«M__P12_PM_emaila»

CC:

Attachment 1: Entity List

UPC # «P13_UPCa»		OWNER'S NAME: «M_P14_Owner_namea»	
<u>Project Name:</u> «M_P3_Project_Namea»		<u>Parcel Address:</u> «M_P15_Parcel_Addressa»	<u>Parcel Numbers:</u> «P16_Parcel_Ida»
<u>Entity Name</u> <u>Activity Point of Contact</u> <u>Contact Info:</u>	<u>Anticipated</u> <u>Number of</u> <u>Employees:</u>	<u>Entity Activity:</u>	<u>Date Range</u> <u>Activity will</u> <u>Occur:</u>
VDOT- Survey/Environmental <i>VDOT Point of Contact and Contact Information</i> Or <i>Consultant Name, Activity and Point of Contact Information</i>	Anticipated Number of Employees	Please be advised that VDOT employees or consultants may need to enter your property to perform some or all of the following investigative tasks; these activities may include, but are not limited to: setting targets for photogrammetry, topographic & utility features and property boundaries, identification of wetlands, stream studies, environmental drilling (to collect soil and groundwater samples for analysis), monitoring of existing noise levels, and other transportation design-related evaluations and environmental assessments. These activities typically include taking photographs and collecting environmental samples. Should soil samples or other limited removal of soil be necessary, VDOT will return any disturbed area substantially to its previous condition.	Date Range Activity will Occur
Army Corps of Engineers <i>VDOT Point of Contact and Contact Information</i>	2	May be in attendance during the VDOT site visits to assist in preliminary engineering work	Date Range Activity will Occur
Virginia Department of Environmental Quality (VDEQ) <i>VDOT Point of Contact and Contact Information</i>	2	May be in attendance during the VDOT site visits to assist in preliminary environmental work	Date Range Activity will Occur
VDOT-Materials <i>VDOT Point of Contact and</i>	Anticipated Number of Employees	The activities involved in the upcoming geotechnical subsurface exploration include, but are not limited to sample collection and testing of soil and rock. The purpose of this exploration are to identify	Date Range Activity will Occur

<p><i>Contact Information</i></p> <p>OR</p> <p><i>Consultant Name, Activity and Point of Contact Information</i></p>		<p>the soil, rock and ground water conditions to enable sound engineering recommendations. In general, we have chosen our test locations to be accessible with drilling or other specialty equipment (typically mounted on a separate tired or tracked vehicle). When we have completed our drilling and sampling activities, the holes will be backfilled. VDOT will return the surface substantially to the same condition it was in before our work began. Approximately thirty days after completion of the subsurface exploration, a member of VDOT staff will return to inspect the drilling locations for possible depressions and make any necessary repairs.</p>	<p>Date Range for Follow-up Inspection</p>
<p>Entity Name Activity Point of Contact Contact Info</p>	<p>Anticipated Number of Employees</p>	<p>Entity Activity:</p>	<p>Date Range Activity will Occur</p>
<p>Entity Name Activity Point of Contact Contact Info</p>	<p>Anticipated Number of Employees</p>	<p>Entity Activity</p>	<p>Date Range Activity will Occur</p>
<p>Entity Name Activity Point of Contact Contact Info</p>	<p>Anticipated Number of Employees</p>	<p>Entity Activity</p>	<p>Date Range Activity will Occur</p>
<p>Entity Name Activity Point of Contact Contact Info</p>	<p>Anticipated Number of Employees</p>	<p>Entity Activity</p>	<p>Date Range Activity will Occur</p>

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 and are not to be construed as regulation or official board position
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Figure 4-B

«M__I1_Letter_Datea»

«_P2_Full_Addressa»

Re: **Notice of Intent to Enter**

Project Name: «M__P3_Project_Namea» County: «_P4_Countya»
Project Number: «M__P5_Projecta» Route: «_P6_Routea»

Dear: «_P7_Greetinga»

On «_P1_LetterDatea» the Virginia Department of Transportation (VDOT) sent a letter requesting entry onto your property to begin preliminary engineering studies associated with the above referenced project. The original letter is attached for reference.

Section § 33.2-1011 of the Code of Virginia provides VDOT the authority to enter your property to gather the necessary field information, but requires VDOT give you notice. When property owners are either nonresponsive or deny permission, those property owners shall be contacted a second time with a "Notice of Intent" letter sent not less than 15 days prior to the date of intended entry. VDOT has not yet received a response from you and as a result are now providing our notice of intent to enter your property.

Attached to this letter, as **Attachment 1**, is a list of VDOT representatives and entities expected to be on your property, the number of employees of each entity expected to be on the property, the activities to be performed by each entity, the properties affected, and a date range for each activity to be performed. While fieldwork will begin on the entry date specified on Attachment 1 and will be completed within the specified time frame, it may be intermittent for each activity. Any individuals entering the property shall carry identification and shall present such identification upon request.

If you have any concerns regarding our entry or would like advance notification prior to the fieldwork conducted on your property, please notify the point of contact for that task listed on Attachment 1. Please note that representatives from the US Army Corps of Engineers and other state and federal agencies may also be in attendance during the VDOT site visits to assist in preliminary engineering work.

Should there be any need to further access your property for study purposes beyond this time frame, we will discuss this with you in person or send you additional requests for permission. If you have tenants living or working on your property, please notify them of these potential activities.

If you have any knowledge of cemeteries, easements, or homeowner-installed utilities that are not recorded in your locality's public records or if you have knowledge of any particular items of interest that may affect the improvements in your area, please notify me. In addition, if you have any concerns or questions regarding our entry or would like advance notification prior to field work being conducted on your property, please contact me or the specific activity related point-of-contact found on **Attachment 1** for assistance.

We appreciate your help in our task of planning and designing improved transportation facilities for your community and the citizens of Virginia.

Sincerely,

«M_P8_PM_Namea»

«M_P10_PM_Telephonea»

«M_P11_PM_Cella»

«M_P12_PM_emaila»

CC:

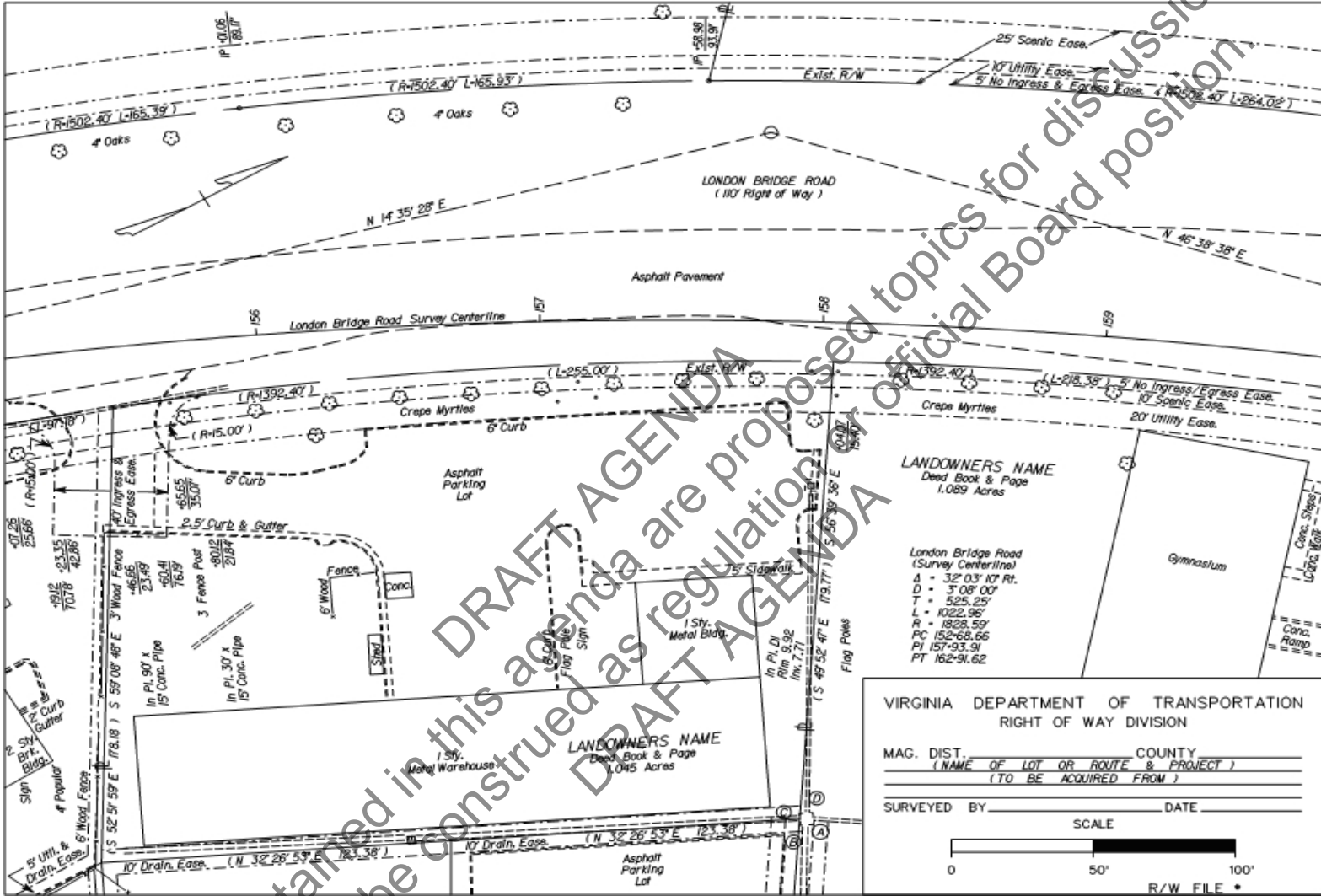
Attachment 1: Entity List

UPC # «P13_UPCa»		OWNER'S NAME: «M_P14_Owner_namea»	
<u>Project Name:</u> «M_P3_Project_Namea»		<u>Parcel Address:</u> «M_P15_Parcel_Addressa»	<u>Parcel Numbers:</u> «P16_Parcel_Ida»
<u>Entity Name</u> <u>Activity Point of Contact</u> <u>Contact Info:</u>	<u>Anticipated</u> <u>Number of</u> <u>Employees:</u>	<u>Entity Activity:</u>	<u>Date Range</u> <u>Activity will</u> <u>Occur:</u>
VDOT- Survey/Environmental <i>VDOT Point of Contact and Contact Information</i> Or <i>Consultant Name, Activity and Point of Contact Information</i>	Anticipated Number of Employees	Please be advised that VDOT employees or consultants may need to enter your property to perform some or all of the following investigative tasks; these activities may include, but are not limited to: setting targets for photogrammetry, topographic & utility features and property boundaries, identification of wetlands, stream studies, environmental drilling (to collect soil and groundwater samples for analysis), monitoring of existing noise levels, and other transportation design-related evaluations and environmental assessments. These activities typically include taking photographs and collecting environmental samples. Should soil samples or other limited removal of soil be necessary, VDOT will return any disturbed area substantially to its previous condition.	Date Range Activity will Occur
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VDOT-Materials <i>VDOT Point of Contact and</i>	Anticipated Number of Employees	The activities involved in the upcoming geotechnical subsurface exploration include, but are not limited to sample collection and testing of soil and rock. The purpose of this exploration are to identify	Date Range Activity will Occur

<p><i>Contact Information</i></p> <p>OR</p> <p><i>Consultant Name, Activity and Point of Contact Information</i></p>		<p>the soil, rock and ground water conditions to enable sound engineering recommendations. In general, we have chosen our test locations to be accessible with drilling or other specialty equipment (typically mounted on a separate tired or tracked vehicle). When we have completed our drilling and sampling activities, the holes will be backfilled. VDOT will return the surface substantially to the same condition it was in before our work began. Approximately thirty days after completion of the subsurface exploration, a member of VDOT staff will return to inspect the drilling locations for possible depressions and make any necessary repairs.</p>	<p>Date Range for Follow-up Inspection</p>
<p>Entity Name Activity Point of Contact Contact Info</p>	<p>Anticipated Number of Employees</p>	<p>Entity Activity:</p>	<p>Date Range Activity will Occur</p>
<p>Entity Name Activity Point of Contact Contact Info</p>	<p>Anticipated Number of Employees</p>	<p>Entity Activity</p>	<p>Date Range Activity will Occur</p>
<p>Entity Name Activity Point of Contact Contact Info</p>	<p>Anticipated Number of Employees</p>	<p>Entity Activity</p>	<p>Date Range Activity will Occur</p>
<p>Entity Name Activity Point of Contact Contact Info</p>	<p>Anticipated Number of Employees</p>	<p>Entity Activity</p>	<p>Date Range Activity will Occur</p>

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Figure 4-C



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Figure 4-D

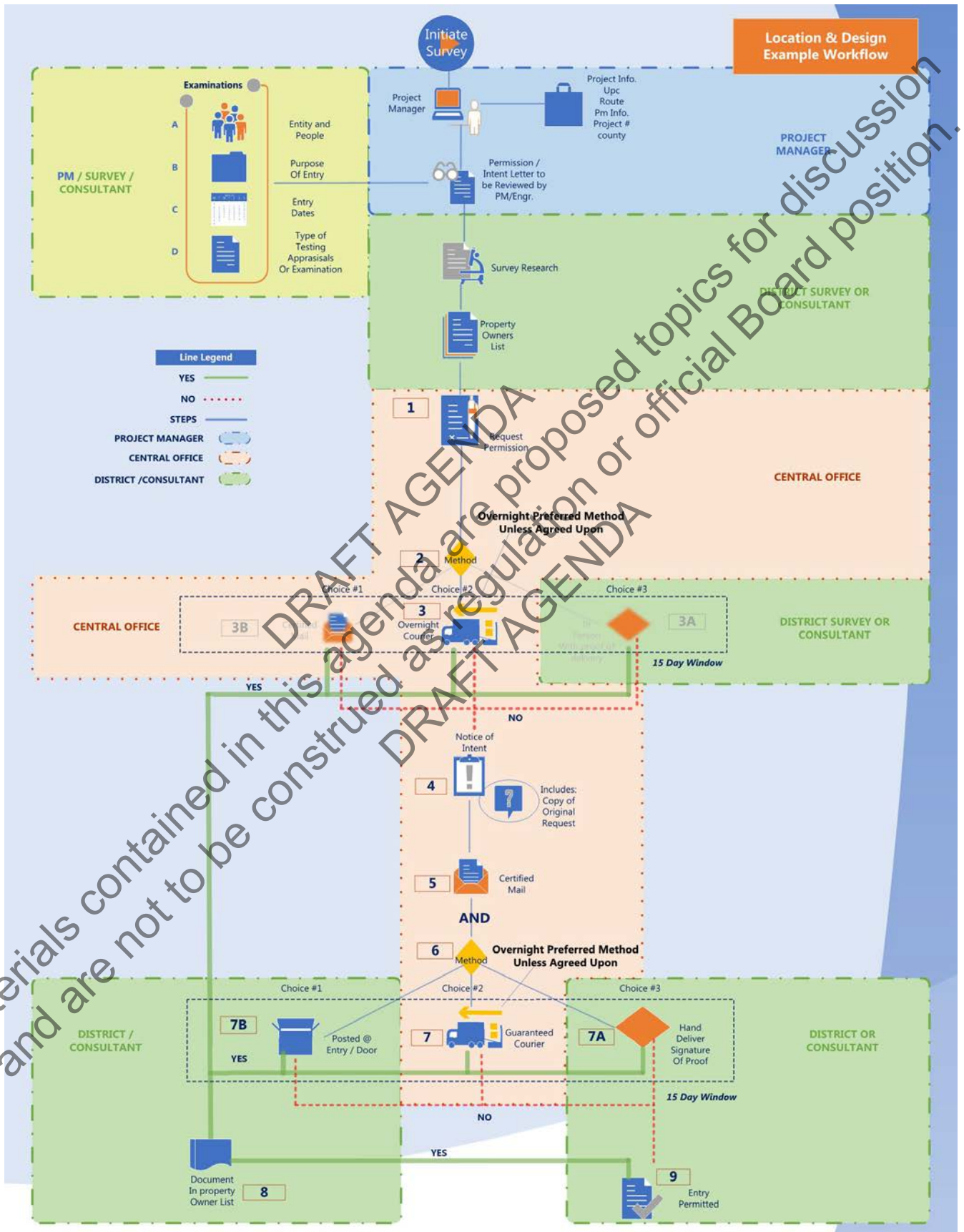


Figure 4-E

Postcard - Back

Virginia Department of Transportation



This postcard will confirm that I grant permission to VDOT and its representatives to enter my property on the dates shown on Attachment 1.

Signed: _____

Date: _____

Label with:
Property Owner Name
Parcel ID UPC

Postcard - Front

Prepaid
Postage

Virginia Department of Transportation
Street Address
Address 2
City, ST ZIP Code

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LS Apprenticeship Update

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Company Use of Drones

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Guidance Document

To: Regulants & Other Members of the Public

From: Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA Board)

Date: June 30, 2011 (*Revised September 15, 2015*)

Re: *Requirements for the Use of Topographic Surveys, Orthographic Maps or other Geospatial Data in Virginia*

Purpose

The purpose of this document is to clarify 18VAC10-20-382.B.11 of the Board's regulations, performance standards for conducting topographic surveys, and the use of these maps and other geospatial data.

Statement Requirement for Surveys

Currently, Board regulations require that a certification statement be included with all topographic surveys:

18VAC10-20-382.B.11

"A statement, in the following form, shall be shown on or contained in plats, maps, or digital geospatial data including metadata:

This _____ (provide description of the project) was completed under the direct and responsible charge of _____ (Name of Surveyor or Surveyor Photogrammetrist) from an actual Ground or Airborne (check the one that is applicable) survey made under my supervision; that the imagery and/or original data was obtained on _____ (Date), and that this plat, map, or digital geospatial data including metadata meets minimum accuracy standards unless otherwise noted."

The statement indicates that the "Name of Surveyor or Surveyor Photogrammetrist" is required. The individuals authorized to perform topographic surveys are land surveyors and surveyor photogrammetrists licensed pursuant to 54.1-400 (et seq.) of the *Code of Virginia*. However, licensed architects and professional engineers are also authorized by Virginia statute to perform topographic surveys provided the survey is incidental to the architectural or engineering project, respectively:

§ 54.1-401. Exemptions.

"The following shall be exempted from the provisions [surveyor license] of this chapter:

1. Practice of professional engineering and land surveying by a licensed architect when such practice is incidental to what may be properly considered an architectural undertaking.
2. Practice of architecture and land surveying by a licensed professional engineer when such practice is incidental to an engineering project."

It is the intent of the Board's regulations that the statement required by 18VAC10-20-382.B.11 of the Board's regulations be signed by whichever professional completed the survey- surveyor, surveyor photogrammetrist, architect, or professional engineer.

Survey Performance Standard

Board regulations also require that any licensed professional, authorized to perform a survey, must perform the survey to the standards contained in 18VAC10-20-382 of the Board's regulations:

18VAC10-20-730.C

"The professional shall adhere to the minimum standards and requirements pertaining to the practice of his own profession, as well as other professions if incidental work is performed.

When a licensed surveyor or surveyor photogrammetrist performs a topographic survey, or if an architect or professional engineer performs a topographic survey incidental to an architectural or engineering project, respectively, he must seal, sign, and date the survey per Board regulations:

18VAC10-20-382.A

"The minimum standards and procedures set forth in this section are to be used for topographic surveys performed in the Commonwealth of Virginia pursuant to Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia. The application of the professional's seal, signature and date as required by these regulations shall be evidence that the topographic survey is correct to the best of the professional's knowledge and belief, and complies with the minimum standards and procedures."

Board regulations also require a seal, signature, and date even in situations where a license is not required:

18VAC10-20-760.B.4

"The seal of each professional responsible for each profession shall be used and shall be on each document that was prepared under the professional's direction and for which that professional is responsible. If one of the exemptions found in § 54.1-402 of the Code of Virginia is applicable, a professional licensed or certified by this board shall nevertheless apply his seal to the exempt work."

Use of Unregulated Topographic Surveys

The *Code of Virginia* requires that a topographic survey be performed by a professional who is duly licensed by the Board. Topographic surveys used in the design, modification, construction of improvements to real property, or for flood plain determination must be sealed, signed, and dated by the licensed professional who performed the survey or directly supervised the person who performed the survey. A topographic survey that is not sealed, signed, and dated by a professional must only be used for general information pursuant to Virginia statute:

§ 54.1-402.C Further exemptions from license requirements for architects, professional engineers, and land surveyors.

(third paragraph) "Any person not licensed pursuant to subsection B of § 54.1-404 or 54.1-406 preparing documentation pursuant to subsection C of § 54.1-402 shall note the following on such documentation: "Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination."

Use of Unregulated Geospatial Data

In 2012, a state-wide orthographic database for general use by the public was created. Since that time, it has come to the attention of the APELSCIDLA Board that these maps may have been used, or may currently be being used, for professional design services, including, but not necessarily limited to, design of improvements to real property, flood plain determination for the determination of flood zone limits, downstream flood inundation zones below regulated dams and the design of public roads. That noted, pursuant to §54.1-402.C, all regulants are advised that these maps do not approach the level of accuracy for use in providing design services; therefore, design professionals are cautioned that the use of this public data may be deemed a violation, as this data does not meet the minimum standards of accuracy required for use by design professionals and may be injurious to the health, safety and welfare of the public.

Summary

The excerpts from Virginia statutes and Board regulations are provided above for your convenience to help you locate the text from the administrative and positive law that establishes the Board's authority. To conclude the information above, the following summaries of this document are provided:

1. Although the Board's regulations indicate that the survey statement requires the "Name of Surveyor or Surveyor Photogrammetrist", the architect or engineer who performed the survey, or directly supervised the individual who performed the survey, must place his name on the statement required by the regulations.
2. Surveys must be performed to the standards established in the Board's regulations whether the survey is performed by a licensed surveyor, surveyor photogrammetrist, architect, or professional engineer as indicated in this document. All surveys, regardless of whether exempt from statutory licensure requirements, must be sealed, signed, and dated by the professional who performed the survey or directly supervised the individual who performed the survey.
3. Any professional licensed by the Board, who utilizes a topographic survey to perform professional work, must ensure that the survey is sealed, signed, and dated properly as indicated above.
4. USGS quad sheets and GIS data, unregulated orthographic surveys, or other unregulated topographic surveys prepared pursuant to §54.1-402.C of the *Code of Virginia*, may be used for general information and need not be signed and sealed. The use of unsigned information must include a statement clearly depicting the use of those documents and their origin.

Fwd: VA DGS Drone Services Procurement

1 message

Nosbisch, Kathleen <kate.nosbisch@dpor.virginia.gov>
To: Bonnie Davis <bonnie.davis@dpor.virginia.gov>

Wed, Aug 21, 2019 at 1:39 PM

Please include the email and the article in the full board agenda.

Thanks,

Kate

----- Forwarded message -----

From: **John Palatiello** <john@vasurveyors.org>

Date: Fri, Aug 16, 2019 at 9:04 AM

Subject: Fwd: VA DGS Drone Services Procurement

You may recall VAS was involved in the solicitation for this procurement last year to assure compliance with Land Surveyor licensing and the Commonwealth's QBS law.

[State Agencies Gain Greater Access To Unmanned Aerial Systems \(UAS\) Services](#)

Continued monitoring is needed to determine if any of the firms, other than DAA, have a LS on staff and in responsible charge, or if any work that falls within the definition of the practice of land surveying goes to any of these firms other than DAA.

--

John Palatiello
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State Agencies Gain Greater Access To Unmanned Aerial Systems (UAS) Services

Herndon, VA, Aug. 15, 2019 (GLOBE NEWSWIRE) --

CIT, *The Center for Innovative Technology*, announced today a ground-breaking contract that will improve state agency access to unmanned aerial systems service providers. Virginia's Department of General Service (DGS) and the National Association of State Procurement Officials (NASPO) led the contracting effort on behalf of all 50 states, the District of Columbia and the territories of the United States.

This initiative, a first for the UAS industry, now connects state agencies with approved vendors. These technologies will enable state agencies to have more affordable access to problem solving data and imagery. The four Virginia companies chosen in this historic initiative are:

Draper Aden Associates, Richmond, Virginia, provides a depth of UAS services including aerial inspections and mapping data services. www.daa.com

DroneUp, LLC, Virginia Beach, Virginia, is an end-to-end drone pilot service provider for aerial data collection. *DroneUp received the Virginia Unmanned Systems Center at CIT's highest humanitarian honor earlier this year for finding a lost couple in the Amboy Crater National Natural Landmark.* www.droneup.com

ERUdyne, Inc, Lancaster County, Virginia, features a Drone Flight School to fill a gap in commercial drone operations training including crisis management and disaster response and recovery support training. www.erudyne.com

SkyShots, Mechanicsville, Virginia is UAS video and photography services company. www.skyshots.com

"We are exceptionally pleased with the number of Virginia companies that met the rigorous Virginia (DGS) and National (NASPO) requirements. These companies continue to proudly represent why Virginia was recently chosen as the #1 place in America for unmanned aerial systems business. Two of the four Virginia companies selected, Draper Aden and DroneUp, are members of the CIT Unmanned Systems Advisory Board. Their experience on this contract will provide excellent insights to the Board as it shapes public policy proposals to maintain Virginia's leadership in this rapidly growing industry"

-Ed Albrigo, CIT CEO & President

This pioneering UAS service company selection continues to validate an industry poised to have a positive economic impact on innovation, job creation and opportunity throughout the State of Virginia. According to Tracy Tynan, Director of Virginia's Unmanned Systems Center at CIT, "Unmanned systems continue to prove themselves incredibly valuable in a wide range of uses including engineering, agriculture, environmental assessment and crisis response. The data-rich UAS industry is poised to grow, and Virginia's leadership is assuring that the Commonwealth will fully benefit from the economic impact this industry will ignite."

About DGS and NASPO:

The **Department of General Services (DGS)** provides procurement, laboratory, construction management, vehicle management, graphic design, engineering, architectural services, mail and surplus property services, as well as Capitol Square facility and grounds operations, security, and maintenance. More information can be found at <https://dgs.virginia.gov>.

NASPO / National Association of State Procurement Officials: ValuePoint provides the highest

standard of excellence in public cooperative contracting. By leveraging the leadership and expertise of all states and the purchasing power of their public entities, NASPO ValuePoint delivers the highest valued, reliable and competitively sourced contracts - offering public entities outstanding prices.

About the Center for Innovative Technology (CIT)

Investing for Commonwealth Growth | CIT concentrates on the early commercialization and seed funding stages of innovation, helping innovators and tech entrepreneurs launch and grow new companies, create high

stages of innovation, helping innovators and tech entrepreneurs launch and grow new companies, create high paying jobs and accelerate economic growth throughout the entire state of Virginia. Founded in 1985, CIT accelerates next generation technologies and technology companies through commercialization, capital formation, market development initiatives, and expansion of broadband throughout Virginia. Our programs include | CIT GAP Funds | Commonwealth Research Commercialization Fund (CRCF) | Virginia Founders Fund | Broadband/Rural Broadband | Smart Communities | Cybersecurity | Unmanned Systems | SBIR/STTR Support (Small Business Innovation Research (SBIR) & Small Business Technology Transfer (STTR) programs) | University Partnerships | Startup Company Mentoring & Engagement. CIT's CAGE Code is 1UP71. Contact: 2214 Rock Hill Road #600, Herndon, VA 20170 | 703.689.3000 | www.cit.org

You can also follow CIT on [Twitter](#), [LinkedIn](#) and [Facebook](#).

About The Virginia Unmanned Systems Center at CIT

Launched in 2017, the Virginia Unmanned Systems Center serves as a unifying voice and primary source for information and assistance related to the unmanned systems landscape in Virginia and is charged with building on the rich assets and business climate to make Virginia "THE" state for unmanned systems. The Center is responsible for developing an entrepreneurial culture regarding Autonomous Systems across Virginia, encouraging economic growth across the Commonwealth via Autonomous emergent business activities, and continuing to increase the Commonwealth's position as a leader of the Autonomous Systems community. For more information about the Virginia Unmanned Systems Center at CIT, please visit <https://www.vus.virginia.gov/>. You can also follow on [Twitter](#)

Attachment

- [Virginia Unmanned Systems Center at CIT JPEG](#)

Tracy Tynan, Director
Virginia Unmanned System at CIT
tracy.tynan@CIT.org

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Change in Datums Update

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Dear Mr. Barlow,

RE: Email dated xxxxxxxx and attachments.

~~The board has reviewed your request concerning how a Land Surveyor should handle a boundary survey along the Louisa and Goochland county line based on the changed county line as established by the provided GIS map and Board of Supervisors resolution adopting the agreement and offer the following response.~~

The Board offers the following response to your request for guidance concerning how a Land Surveyor should establish on the ground the new county boundary line along the common boundary of Louisa and Goochland counties which results from the BOARD OF SUPERVISORS, COUNTY OF LOUISA, RESOLUTION, ID# 5843.

The Louisa County resolution dated August 5, 2019 cites Virginia Code Sections 15.2-3106; 15.2-3107; and 15.2- 3108 as the enabling code allowing the changed county boundary. Virginia Code Section 15.2-3108 states in part "... The petition shall set forth the facts pertaining to the desire to relocate or change the boundary line between the localities, and the petition shall include or have attached to it either (i) a plat depicting the change in the boundaries of the localities as agreed; (ii) a metes and bounds description of the new boundary line as agreed upon by the two localities; or (iii) a Geographic Information System (GIS) map depicting the change in the boundaries of the localities as agreed, having been established by Virginia State Plane Coordinates System, South Zone or North Zone, as applicable, meeting National Geodetic Survey standards. ...". The resolution states that Louisa County is utilizing option (iii) a Geographic Information System map to depict the changed county line.

You expressed that you would have preferred that the counties adopt the private owner parcel lines as the agreed upon changed county line. Virginia Code Section 15.2- 3108 option (i) or (ii) provides enabling code for the counties to do so.

However, the Louisa County resolution is specific in stating that the official boundary line is "established (emphasis added) by Virginia State plane Coordinates System, South Zone"⁽¹⁾ and therefore the coordinates control the description and reconstruction of the boundary. ~~that option (iii) GIS map and Virginia State Plane Coordinate System is the adopted county line.~~ Thus, a land surveyor should establishing the changed and adopted county boundary line should use the Virginia State Plane Coordinates in the "map"⁽¹⁾ as the controlling data. ~~If the private property parcel lines are in close proximity but do not coincide with the county boundary line Administrative Code Section 18VAC10-20-370-D-2-d requires that "... The inconsistencies shall be clearly noted by the professional."~~

The board appreciates your interest and proactive concern in seeking advice in advance of an actual situation occurring.

(1) Excerpt from BOARD OF SUPERVISORS, COUNTY OF LOUISA, RESOLUTION, ID#5843,

NOW, THEREFORE, BE IT RESOLVED, on this 5th day of August, 2019, that the

Louisa county Board of Supervisors hereby agree as follows.

1. The official boundary line between Goochland County, Virginia and Louisa County, Virginia, is established as depicted on the GIS map, established by Virginia State plane Coordinates System, South Zone, meeting National Geodetic Survey standards dated July 16, 2019, entitled "Goochland/Louisa Boundary 2019", and prepared by the Goochland County office of Mapping and Geographic Information (hereinafter the "Map"), which Map is attached as Exhibit A;

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HEADQUARTERS UPDATE



DAVID COX
NCEES CHIEF
EXECUTIVE OFFICER

NCEES joins new alliance to ensure public protection

WE ARE PLEASED TO ANNOUNCE THAT NCEES IS one of the founding members of the Alliance for Responsible Professional Licensing (ARPL)—a coalition of national associations that represents highly complex, technical professions and their national licensing boards.

ARPL has been created to ensure that a unified voice for the advanced professions is present and heard in the growing debate around the appropriate level of licensure for professions and occupations. As many of you know, lawmakers around the country are taking steps to weaken or even eliminate occupational licensing laws. While these laws may not intentionally target our profession, we are at risk of being swept up in overly broad legislation.

This is why it is critical that advanced professions like ours band together to make sure we are effectively communicating the importance of professional licensing and what's at risk if licensing is weakened. Our professions impact public health, safety, and welfare. Our licensing is rigorous for a reason.

What will ARPL do?

ARPL's overarching goal is to educate policy makers and the public on the importance of—and the need to maintain—clear, responsible licensing standards within our professions.

Specifically, ARPL will drive a coordinated, national communications and engagement strategy to do the following:

- Inject our perspective into media coverage concerning the issue
- Ensure the advanced professions are at the table in forums where the issue is being discussed

- Provide messages, tools, and materials to help individual state organizations and to complement their own activities on the issue

More information will be coming in the following weeks, including communications tools and ideas to help member boards organize and communicate around the issue in their state.

In the meantime, I urge you to visit the new ARPL website at ResponsibleLicensing.org. Please contact me if you have any questions or would like additional information.

ARPL members

The following are the founders and governing members of ARPL.

- American Institute of Architects
- American Institute of Certified Public Accountants
- American Society of Civil Engineers
- Council of Landscape Architectural Registration Boards
- National Council of Architectural Registration Boards
- National Society of Professional Engineers
- National Association of State Boards of Accountancy
- National Council of Examiners for Engineering and Surveying

Business Agreements Update

Business Name	License#	Signed
GTP Consulting Engineers Inc.	0407007683	July 23, 2019
Novus Architects Inc.	0407007694	August 13, 2019

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CE Waiver Requests

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Regulatory Update

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Merit

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Periodic Regulatory Review

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Licensed and Certified Population

As of August 1, 2019

APELSCIDLA Businesses	4,545
Architects	7,467
Professional Engineers	29,347
Land Surveyors	1,281
Land Surveyors B	71
Land Surveyor Photogrammetrists	117
Certified Interior Designers	497
Landscape Architects	946

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Approved Applications for 2016 - 2018

		TOTALS FOR EACH			
		CATEGORY	2016	2017	2018
0401	Architects				
	1005	Architect Request for Exam Eligibility	142	136	121
	1020	Architect by Exam	87	76	80
	1021	Architect by Comity	241	288	276
0402	PE Professional Engineers				
	1005	PE Request for Exam Eligibility	506	596	501
	1020	PE by Exam	472	483	379
	1021	PE by Comity	833	940	972
0420	Engineer In Training Designation				
	1005	EIT Request for Exam Eligibility	3	2	
	1020	Exam to EIT by Exam Old Method	57	3	
	1025	EIT by Exam	625	590	615
0403	LS Land Surveyors				
	1005	LS Request for Exam Eligibility	18	13	15
	1006	LS Request for VA Exam Eligibility	14	15	21
	1010	Sched InHouse Exam	12	13	9
	1011	Sched InHouse Exam (Comity)	11	13	21
	1016	LS Request for Schedule In House Exam Retake	27	38	35
	1020	LS by Exam	10	10	14
	1021	LS by Comity	13	5	9
0430	Surveyor In Training Designation				
	1025	SIT by Exam	10	10	7
0404	LS-B Land Surveyors - B				
	1005	LS-B Request for Exam Eligibility		1	
	1010	schedule in house exam			
	1011	schedule in house exam retake		1	
	1020	LS B by exam		1	1
0412	Interior Designer Certification				
	1020	Int Designer by Exam	14	15	13
	1021	Int Designer by Comity	5	5	1
0406	LA Landscape Architects				
	1005	LA Request for Exam Eligibility	22	12	21
	1020	LA by Exam	16	14	22
	1021	LA by Comity	33	27	31

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Regulants Counts as of the 1st of each month

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Min	Max
Architects														
2016	7,227	7,223	7,187	7,156	7,182	7,223	7,193	7,241	7,228	7,317	7,210	7,229	7,156	7,467
2017	7,237	7,257	7,269	7,311	7,332	7,305	7,374	7,312	7,367	7,345	7,309	7,388	represents lowest # ea yr	
2018	7394	7399	7418	7425	7435	7450	7444	7422	7417	7433	7432	7429	represents lowest overall	
2019	7432	7438	7440	7432	7434	7441	7460	7467					represents highest # ea yr	
Engineers													represents highest overall	
2016	27,922	27,912	27,790	27,815	27,844	28,165	28,125	28,028	28,066	28,073	28,061	28,008	27,790	29,399
2017	28,242	28,250	28,220	28,306	28,321	28,363	28,527	28,465	28,433	28,435	28,510	28,486		
2018	28724	28729	28758	28773	28770	28885	28932	28836	28841	28837	28957	28941		
2019	29157	29212	29148	29185	29187	29399	29395	29347						
Land Surveyors														
2016	1,290	1,270	1,291	1,295	1,298	1,304	1,280	1,295	1,301	1,288	1,290	1,296	1,248	1,304
2017	1,265	1,262	1,280	1,284	1,280	1,279	1,248	1,272	1,285	1,288	1,289	1,290		
2018	1265	1264	1289	1289	1292	1296	1284	1289	1296	1284	1292	1298		
2019	1254	1269	1278	1279	1280	1285	1288	1281						
Land Surveyors-B														
2016	86	86	86	85	85	84	82	83	84	84	85	85	69	86
2017	85	71	75	74	74	75	75	74	75	75	75	75		
2018	75	75	76	76	76	77	77	77	76	75	75	75		
2019	75	75	69	70	72	72	72	71						
Land Surveyor Photogrametrists														
2016	135	132	130	128	119	127	129	129	130	130	129	130	116	135
2017	130	130	129	127	127	124	126	126	128	124	125	123		
2018	123	116	119	121	120	117	118	118	118	118	118	118		
2019	118	119	120	120	121	121	117	117						
Certified Interior Designers														
2016	504	501	493	499	498	498	497	499	501	505	501	498	490	507
2017	497	493	498	501	495	494	495	498	494	502	494	495		
2018	494	497	495	494	492	490	491	495	497	498	500	504		
2019	498	497	506	507	501	498	498	497						
Landscape Architects														
2016	882	884	875	872	884	891	892	892	894	896	898	899	872	946
2017	902	901	889	899	904	900	909	906	905	892	899	912		
2018	907	911	915	910	912	916	925	921	920	917	919	921		
2019	924	935	934	933	932	940	943	946						

Licensing Celebration

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**Board for Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects
ARCHITECT INFORMATION SHEET**

All applicants must meet the current eligibility requirements at the time the completed application package is received at the Board office. Completed application package must include all required documentation, references, verifications, and fees. All forms must be legible. It is the applicant's responsibility to ensure the Virginia Board receives the completed package prior to the established deadline.

EXAMINATION ON BOARD REGULATIONS & STATUTES

Applicants for licensure or certification are required to read and understand the *Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations* prior to applying for licensure or certification. Pursuant to Regulation 18VAC10-20-85, all applicants for licensure or certification must achieve a passing score on a Board-supplied examination pertaining to the Board's regulations and relevant statutes. Once the application is received by the Board office, the examination will be forwarded to the applicant and must be completed and returned for scoring. Applicants will only be notified if they did **not** achieve a passing score on this examination.

REQUIREMENTS FOR LICENSURE

➤ **Applying by Examination***

(The exam eligibility period is approved for 3 years.)

- submit a completed *Architect License Application*, application fee; and
- three *Architect Reference Forms* (less than one year old) completed by licensed Architect who has known the applicant for at least one year, and who has been associated with the applicant within the last 5 years;

* **Applying to become Re-eligibility for Examination**

If an applicant's original exam eligibility period has expired, the applicant may reapply using this application. The original eligibility period must be expired (for less than 6 months) and the applicant must have taken at least one examination during the previous eligibility period. If the applicant does not meet these requirements, they are required to resubmit new references with this application, along with a new application fee.

➤ **Applying by Comity with a NCARB Certificate Record**

(for those who have been licensed in another state, jurisdiction, possession or territory of the United States, or a province of Canada)

- submit a completed *Architect License Application*, application fee; and
- a NCARB Certificate Record that includes verification of current licensure in another state, jurisdiction, territory of the United States, or a province of Canada.

➤ **Applying by Comity without a NCARB Certificate Record**

(for those who have been licensed in another state, jurisdiction, possession or territory of the United States, or a province of Canada)

- submit a completed *Architect License Application*, application fee;
- three *Architect Reference Form* (less than one year old) completed by licensed Architects who have known the applicant for at least one year, and who has been associated with the applicant within the last 5 years;
- a completed *Experience Verification Form* or *Client Verification Form* (at a minimum, three client forms are required) to document all required experience ;
- a completed *Degree Verification Form*; and
- a completed *Verification of Examination and Licensure Form* to verify a passing grade on a nationally-recognized examination which leads to licensure as an architect.

★ *Applicant applying for licensure by comity without an NCARB Certificate Record must meet the eligibility requirements in effect in Virginia at the time of their original licensure in another jurisdiction. If the applicant does not meet the Virginia requirements that were in effect at the time of original licensure, the applicant shall be required to meet the Virginia entry requirements current at the time the completed application for comity is received in the Board's office.*

► Applying to Reinstate a license

(for those whose license expired five or more years ago)

- a completed *Architect License Application*, reinstatement fee;
 - documentation showing successful completion of 16 hours of continuing education completed in the last 2 years;
 - three *Architect Reference Form** (less than one year old) completed by a licensed Architect who have known the applicant for at least one year, and who has been associated with the applicant within the last 5 years; and
 - completed *Experience Verification Form* or *Client Verification Form** (three client forms are required) to document experience from the **date of expiration** of the license to the **present**.
- * An NCARB certificate record may be submitted in lieu of references and experience.

EXPERIENCE for Non-NCARB Applicants

All experience must be verified on either an *Architect Experience Verification Form* or *Architect Client Experience Verification Form*. Any experience verified on forms other than those provided by the Department of Professional and Occupational Regulation will not be considered. Resumes and attachments are not acceptable. An *Architect Client Experience Form* is available for comity and reinstatement applicants verifying periods of self-employment. **A minimum of three *Architect Client Experience Verification Forms* must be submitted for each period of self-employment.** Applicants cannot verify their own experience. No credit is allowed for non-verified experience.

REFERENCES for Non-NCARB Applicants and Exam Applicants

All applicants are required to submit three references on the *Architect Reference Form* from a licensed architect who has known the applicant for at least one year and who has been associated with the applicant within the last 5 years. Persons verifying experience are not eligible to serve as a reference.

LICENSE AND EXAMINATION VERIFICATION

Applicants for licensure by comity must meet the Virginia eligibility requirements in effect at the time of their original licensure in another jurisdiction or possess an NCARB certificate. If the applicant does not meet those requirements or possess an NCARB certificate, the applicant shall be required to meet the entry requirements current at the time the completed application for comity is received by the Board office. A *Verification of Architect Examination and Licensure Form* is available for the verification of out-of-state exams and licenses. It is the applicant's responsibility to ensure that the Virginia Board receives the verification along with other supporting documents as noted in these instructions.

TOEFLIBT (formerly known as TOEFL & TSE)

Applicants for licensure must be able to speak and write English to the satisfaction of the Board. Applicants from a non-English speaking country or a country where the primary language is not English, who have not graduated from a college or university in which English is the language of instruction, shall submit to the Board a TOEFLIBT (Test of English as a Foreign Language) score report that reflects a score acceptable to the Board. A score of 20 or better is required in each exam category. Score reports shall not be more than two years old at the time of application.

EXAMINATION

Additional information concerning the examination is available at:

National Council of Architectural Registration Boards

1401 H Street, NW, Suite 500

Washington, DC 20005

Telephone: (202) 783-6500

Website: www.ncarb.org

6. Mailing Address (PO Box accepted)

The mailing address will be printed on the license.

 City State Zip Code

7. Street Address (PO Box not accepted)

PHYSICAL ADDRESS REQUIRED

Check here if Street Address is the same as the Mailing Address listed above.

 City State Zip Code

⇒ If you are using your business address, include business name, full street address and any floor or suite number.

8. Contact Numbers

 Primary Telephone Alternate Telephone

9. Email Address

 Email address is considered a public record and will be disclosed upon request from a third party.

10. Are you re-applying for exam eligibility?

No

Yes If yes, review the requirements below and then skip to question #15.

Requirements for re-applying for exam eligibility:

The original eligibility period must be expired (for less than 6 months) and the applicant must have taken at least one examination during the previous eligibility period. If the applicant does not meet these requirements, they are required to resubmit new references with this application.

11. Are you applying to **reinstate** a license?

(Reinstating a Virginia license that has expired 5 or more years ago.)

No

Yes If yes, provide the following and then skip to question #15:

- 1) Training certificates or other documentation showing successful completion of 16 hours of CE requirements;
- 2) three *Architect Reference Forms** documenting your competence and integrity to engage in the practice of architecture; and
- 3) *Architect Experience Verification Form(s)* or *Architect Client Experience Form** (three client forms are required) documenting the required experience from the time of expiration to the present.

* An NCARB certificate record may be submitted in lieu of references and experience.

- The board will evaluate the application and all supporting documents to determine if the applicant remains **qualified** to be a regulator of the board.

Skip to question #15.

12. **EDUCATION** - Complete the following table for your educational experience:

	Institution	Degree (BS, BA...)	Major	MM/YY Completed
Bachelor of Architecture				
Bachelors				
Master of Architecture				
Masters				
Ph.D.				

13. Are you applying through comity?

- No If no, skip to question #14.
 Yes If yes, complete the following questions and then skip to question #15:

A. Are you applying with a National Council of Architectural Registration Board (NCARB) Certificate?

No If no, provide the following documents:

1. *Architect Experience Verification Form(s)* or *Architect Client Experience Form(s)* documenting the required training/experience of a minimum of three years or more, depending on your education;
2. Three *Architect Reference Forms* documenting competence and integrity to engage in the practice of architecture;
3. An *Architect Degree Verification Form* is required for all applicants who hold an NAAB-accredited professional degree in architecture. All other education must be verified with an **original** official school transcript; and
4. *Verification of Examination and Licensure Forms* from each jurisdiction in which you passed an architect examination and currently hold an Architect License, Certification or Registration.
 - ⇒ If you were initially licensed after January 1, 2001, proof of completion of the NCARB-IDP or AXP is required.

Yes If yes, your NCARB Certificate Record must be transmitted directly to the Board office.

B. List all current **Architect** Licenses, Certifications and Registrations you hold in another state, jurisdiction, possession or territory of the United States, or a province of Canada. (Then skip to question #15.)

State/Jurisdiction	Did you pass a written exam?	License, Certification or Registration Number	Expiration Date
	Yes <input type="checkbox"/> No <input type="checkbox"/>		
	Yes <input type="checkbox"/> No <input type="checkbox"/>		
	Yes <input type="checkbox"/> No <input type="checkbox"/>		
	Yes <input type="checkbox"/> No <input type="checkbox"/>		

14. Have you enrolled in the NCARB's Architectural Experience Program (NCARB-AXP)?

No If no, initial applicants **MUST** be enrolled in NCARB-AXP and provide verification of enrollment prior to examination approval. You do **not** qualify for the examination at this time.

Yes If yes, provide the following:

1. Request that your eligibility information be transmitted to the Board through the NCARB "My Examination" portal; and
2. Three *Architect Reference Forms* documenting competence and integrity to engage in the practice of architecture.

15. Have you ever been subject to a **disciplinary action** taken by any (including Virginia) local, state or national regulatory body?

- No
 Yes If yes, complete the [Disciplinary Action Reporting Form](#).

16. Have you ever been convicted or found guilty, regardless of the manner of adjudication, in any jurisdiction of the United States of any **felony**? *Any plea of nolo contendere shall be considered a conviction.*

- No
 Yes If yes, complete the [Criminal Conviction Reporting Form](#).

B. Have you ever been convicted or found guilty, regardless of the manner of adjudication, in any jurisdiction of the United States of any misdemeanor? *Any plea of nolo contendere shall be considered a conviction.*

No

Yes If yes, complete the [Criminal Conviction Reporting Form](#).

17. By signing this application, I certify the following statements:

- I am aware that submitting false information or omitting pertinent or material information in connection with this application will delay processing and may lead to license revocation or denial of license.
- I will notify the Board of any changes to the information provided in this application prior to receiving the requested license, certification, or registration including, but not limited to any disciplinary action or conviction of a felony or misdemeanor (in any jurisdiction).
- I authorize the Department to verify information concerning me or any statement in this application from any person, or any source the department may contact. I also agree to present any credentials or documents required or requested by the Department.
- I authorize any federal, state or local government agency, current or former employer, or other individual or business to release information which may be required for a background investigation.
- I have read, understand and complied with all the laws of Virginia related to this profession under the provisions of Title 54.1, Chapter 4, of the Code of Virginia and the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations.

Signature _____

Date _____

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board Position.
DRAFT AGENDA

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS,
CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS**
INTERIOR DESIGN CERTIFICATION APPLICATION
INSTRUCTIONS

All applicants must meet the current eligibility requirements at the time the completed application package is received at the board office. All forms must be legible. Completed application packages must include all required documentation and fees. All additional information accompanying the certification application must be identified with the applicant's name. It is the applicant's responsibility to ensure that the Virginia Board receives the completed package.

EXAMINATION ON BOARD REGULATIONS & STATUTES

Applicants for licensure or certification are required to read and understand the *Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations* prior to applying for licensure or certification. Pursuant to Regulation 18VAC10-20-85, all applicants for licensure or certification must achieve a passing score on a Board-supplied examination pertaining to the Board's regulations and relevant statutes. Once the application is received by the Board office, the examination will be forwarded to the applicant and must be completed and returned for scoring. Applicants will only be notified if they did not achieve a passing score on this examination.

NCIDQ EXAMINATION

In order to qualify for certification as an Interior Designer in Virginia, an applicant must first pass the NCIDQ Examination. If you have already passed the NCIDQ Examination, CIDQ must provide verification to the Board office.

REQUIRED DOCUMENTATION

➤ **Applicants for Initial Certification**

- Interior Designer Certification Application and fee;
- Interior Designer Degree Verification Form(s);
- Interior Designer Experience Verification Form(s) or official school transcript(s); and
- Evidence of having passed the NCIDQ examination.

➤ **Comity Applicants** (for those who have been licensed in another state, jurisdiction or territory of the United States)

- Interior Designer Certification Application and fee;
- Interior Designer Degree Verification Form(s) or official school transcript(s);
- Interior Designer Experience Verification Form(s); and
- Verification of Interior Designer Examination and Certification Form to provide evidence of having passed the NCIDQ examination and verification of current certification in another jurisdiction.

➤ **Reinstatement Applicants** (for those whose license expired 5 or more years ago)

- Interior Designer Certification Application and reinstatement fee; and
- Interior Designer Experience Verification Form(s) to document experience from the date of expiration of the certificate to the present.

EDUCATION

An Interior Designer Degree Verification Form or official transcript(s) is required for all applicants. At a minimum, all applicants must hold one of the following:

- 4-year professional degree from an institution accredited by the Council for Interior Design Accreditation (CIDA or other equivalent accrediting organization)
- Professional degree in architecture obtained by completing a NAAB-approved curriculum
- Degree from a professional program approved by the Board. Please see regulation 18VAC10-20-460 for the definition of "a professional program approved by the Board"
 - Applicants without a CIDA or NAAB accredited degree must submit a self-evaluation of their curriculum based on the accreditation standard in place at the time of graduation. Official transcripts and course descriptions must be provided with evaluation.

EXPERIENCE

A minimum of 2 years of monitored experience must be documented on an *Interior Designer Experience Verification Form(s)*. Any experience verified on forms other than those provided by the Department of Professional and Occupational Regulation will not be considered. Resumes are not acceptable. A separate *Experience Verification Form* should be completed for each employment engagement. No credit is allowed for non-verified employment. Credit will only be given for verified work experience under the supervision of a certified or licensed interior designer, architect or professional engineer. Experience gained under the supervision of a professional engineer shall be reduced by 50% with a maximum of 6 months.

VERIFICATION OF LICENSURE, CERTIFICATION OR REGISTRATION

All applicants for certification by comity must meet Virginia eligibility requirements in effect at the time of application. A *Verification of Interior Designer Examination and Certification Form* is provided for the verification of out of state exams and/or certification. Any person licensed or certified in another state must submit a verification form to document their good standing in the jurisdiction. It is the applicant's responsibility to ensure that the Virginia Board receives the verification along with other supporting documents as noted in these instructions.

TOEFLiBT (formerly known as TOEFL & TSE)

Applicants for licensure must be able to speak and write English to the satisfaction of the Board. Applicants from a non-English speaking country or a country where the primary language is not English, who have not graduated from a college or university in which English is the language of instruction, shall submit to the Board a TOEFLiBT (Test of English as a Foreign Language) score report that reflects a score acceptable to the Board. A score of 20 or better is required in each exam category. Score reports shall not be more than two years old at the time of application.

EXAMINATION

Additional information concerning the examination is available at:

CIDQ/NCIDQ EXAM

225 REINEKERS LANE, SUITE 210

ALEXANDRIA VA 22314

Telephone: 202-721-0220

Website: www.cidq.org

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
and are not to be construed as regulation or official Board position.
DRAFT AGENDA

6. Mailing Address (PO Box accepted)

The mailing address will be printed on the license

Check here if Street Address is the same as the Mailing Address listed above.

7. Street Address (PO Box not accepted)

PHYSICAL ADDRESS REQUIRED

City

State

Zip Code

8. Contact Numbers

Primary Telephone

Alternate Telephone

9. Email Address

Email addresses are considered a public record and will be disclosed upon request from a third party.

10. Are you applying to reinstate a license? (Reinstating a certificate that expired more than 5 years ago)

No

Yes If yes, provide Certified Interior Designer Experience Verification Form(s) documenting the required experience from the time of expiration to the present and then skip to question #14

11. Education – Complete the following table for your educational experience:

	Institution	CIDA Accredited at time of graduation?		Degree	Major	MM/YY Completed
		Yes	No			
Bachelors		Yes	No			
Masters		Yes	No			
Ph.D.		Yes	No			

All applicants must hold one of the following, please select which item applies to your application:

- 4-year professional degree from an institution accredited by the Council for Interior Design Accreditation (CIDA or other equivalent accrediting organization)
- a NAAB-accredited architecture curriculum
- graduate degree in interior design plus an undergraduate degree that is a combination deemed by the board to be substantially equivalent to an undergraduate degree program from a CIDA-accredited institution
Required documents: Transcripts from both undergraduate and graduate program
- a professional program approved by the Board*
+ Applicants without a CIDA or NAAB accredited degree must submit a self-evaluation of their curriculum based on the accreditation standard in place at the time of graduation. Official transcripts and course descriptions must be provided with evaluation.

12. Have you completed two (2) years of monitored experience?

No

Yes If yes, complete the *Interior Designer Experience Verification Form* and submit with this application.

13. Are you applying through comity?

No

Yes If yes, list **all** your current interior designer licenses, certifications and registrations in the following table. If you hold more than 3 licenses, attach a separate sheet of paper listing the information requested in the table. Attach a *Verification of Examination and Licensure Form* from each jurisdiction in which you passed the NCIDQ exam or currently hold an Interior Designer license, certificate or registration

Jurisdiction	Did you pass the NCIDQ exam?	License, Certification or Registration Number	Expiration Date
	Yes <input type="checkbox"/> No <input type="checkbox"/>		
	Yes <input type="checkbox"/> No <input type="checkbox"/>		
	Yes <input type="checkbox"/> No <input type="checkbox"/>		

14. Have you ever been subject to a disciplinary action imposed by any (including Virginia) local, state or national regulatory body?

No

Yes If yes, please provide the Disciplinary Action Reporting Form

15. Have you ever been convicted in any jurisdiction of **any felony or misdemeanor**? *Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose violations that were adjudicated as a minor in the juvenile court system.*

No

Yes If yes, please provide the Criminal Conviction Reporting Form

16. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the board's decision to approve this application. I certify that I will notify the Department if I am subject to a disciplinary action or convicted of a felony or misdemeanor (in any jurisdiction) prior to receiving my Interior Designer certificate. I certify that I understand and have complied with all the laws of Virginia related to interior designers under the provisions of Title 54-1, Chapter 4 of the *Code of Virginia* and the *Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations*.

Signature _____ Date _____

www.dpor.virginia.gov

**Board for Architects, Professional Engineers, Land Surveyors, Certified
Interior Designers and Landscape Architects
LANDSCAPE ARCHITECT LICENSE APPLICATION INSTRUCTIONS**

All applicants must meet the current eligibility requirements at the time the completed application package is received at the Board office. Completed application package must include all required documentation, references, verifications, and fees. All forms must be legible. It is the applicant's responsibility to ensure the Virginia Board receives the completed package prior to the established deadline.

EXAMINATION ON BOARD REGULATIONS & STATUTES

Applicants for licensure or certification are required to read and understand the *Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations* prior to applying for licensure or certification. Pursuant to Regulation 18VAC10-20-85, all applicants for licensure or certification must achieve a passing score on a Board-supplied examination pertaining to the Board's regulations and relevant statutes. Once the application is received by the Board office, the examination will be forwarded to the applicant and must be completed and returned for scoring. Applicants will only be notified if they did **not** achieve a passing score on this examination.

REQUIREMENTS FOR LICENSURE

➤ Applying by **Examination***

- Landscape Architect License Application, application **fee**; and
- Three Landscape Architect Reference Forms (less than one year old) completed by licensed or certified Landscape Architect who has known the applicant for at least one year, and who has been associated with the applicant within the last 5 years;

* Applying to become Re-eligible for **Examination**

If an applicant's original exam eligibility period has expired, the applicant may reapply using this application. The original eligibility period must be expired (for **less than 6 months**) and the applicant must have taken at least one examination during the previous eligibility period. If the applicant does not meet these requirements, they are required to resubmit new references with this application, along with a new application fee.

- Landscape Architect Degree Verification Form(s) or official school transcript(s)**.
- Experience**:
 - LAAB-accredited landscape architecture degree holders must submit verification of 3 years of qualifying landscape architecture experience on the Landscape Architect Experience Verification Form(s) prior to the license being issued; or
 - all other exam applicants are required to submit completed Landscape Architect Experience Verification Form(s) for Examination and Comity Applicants documenting a minimum of 8 years of combined education and experience in accordance with regulation 18VAC10-20-420 C prior to being approved to sit for the exam.

**A CLARB record may be submitted in lieu of degree and experience verification forms. However, references must still be submitted on Board form.

➤ Applying by **Comity with a CLARB Certificate Record**

(for those who have been licensed in another state, jurisdiction, possession or territory of the United States)

- Landscape Architect License Application, application **fee**; and
- CLARB Certificate Record that includes verification of current licensure in another state, jurisdiction, territory of the United States.

➤ Applying by **Comity without a CLARB Certificate Record**

(for those who have been licensed in another state, jurisdiction, possession or territory of the United States)

- Landscape Architect License Application, application **fee**;

- Three Landscape Architect Reference Form (less than one year old) completed by licensed Architects who have known the applicant for at least one year, and who has been associated with the applicant within the last 5 years;
 - Experience Verification Form to document all required experience ;
 - Degree Verification Form or official transcript; and
 - Verification of Examination and Licensure Form to verify a passing grade on a nationally-recognized examination which leads to licensure as a landscape architect and verification of current licensure in another state, jurisdiction, territory of the United States.
- Applying to **Reinstate a license** (for those whose license expired after July 1, 2010 and **five or more** years ago)
- Landscape Architect License Application, reinstatement **fee**;
 - Documentation showing successful completion of 16 hours of continuing education completed in the last 2 years;
 - Three Landscape Architect Reference Forms* (less than one year old) completed by a licensed Landscape Architect who have known the applicant for at least one year, and who has been associated with the applicant within the last 5 years; and
 - Experience Verification Form * to document experience from the **date of expiration** of the license to the **present**.
- * An CLARB certificate record may be submitted in lieu of references and experience.

EXPERIENCE for Non-CLARB Applicants

All experience must be verified on the Landscape Architect Experience Verification Form. Any experience verified on forms other than those provided by the Department of Professional and Occupational Regulation will not be considered. Resumes and attachments are not acceptable. Applicants cannot verify their own experience. No credit is allowed for non-verified experience.

REFERENCES for Non-CLARB Applicants and Exam Applicants

All applicants are required to submit three references on the Landscape Architect Reference Form from a licensed landscape architect who has known the applicant for at least one year and who has been associated with the applicant within the last 5 years. Persons verifying experience are not eligible to serve as a reference.

LICENSE AND EXAMINATION VERIFICATION

Applicants for licensure by comity must meet the Virginia eligibility requirements in effect at the time of their original licensure in another jurisdiction or possess a CLARB certificate. If the applicant does not meet those requirements or possess an CLARB certificate, the applicant shall be required to meet the entry requirements current at the time the completed application for comity is received by the Board office. A Verification of Landscape Architect Examination and Licensure Form is available for the verification of out-of- state exams and licenses. It is the applicant's responsibility to ensure that the Virginia Board receives the verification along with other supporting documents as noted in these instructions.

TOEFLiBT (formerly known as TOEFL & TSE)

Applicants for licensure must be able to speak and write English to the satisfaction of the Board. Applicants from a non-English speaking country or a country where the primary language is not English, who have not graduated from a college or university in which English is the language of instruction, shall submit to the Board a TOEFLiBT (Test of English as a Foreign Language) score report that reflects a score acceptable to the Board. A score of 20 or better is required in each exam category. Score reports shall not be more than two years old at the time of application.

EXAMINATION

Additional information concerning the examination is available at:

The Council of Landscape Architectural Registration Boards

1840 Michael Faraday Drive Suite 200

Reston, Virginia 20190

Telephone: 571-432-0332

Website: www.clarb.org

Commonwealth of Virginia
 Department of Professional and Occupational Regulation
 9960 Mayland Drive, Suite 400
 Richmond, Virginia 23233-1485
 (804) 367-8506



Department of Professional and Occupational Regulation

**Board for Architects, Professional Engineers, Land Surveyors,
 Certified Interior Designers and Landscape Architects
 LANDSCAPE ARCHITECT LICENSE APPLICATION**

A check or money order payable to the TREASURER OF VIRGINIA,
 or a completed credit card insert must be mailed with your application package.
APPLICATION FEES ARE NOT REFUNDABLE.

All applicants are required to read and understand the *Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations* available at: www.dpor.virginia.gov prior to applying for licensure.

Select the one method by which you are applying for a Virginia Architect License.

✕	Method of Licensure	Trans	Fee
<input type="checkbox"/>	By Examination	1005	\$125.00
	Is this the first time you have applied in Virginia to take the exam? Yes <input type="checkbox"/> No <input type="checkbox"/>		
<input type="checkbox"/>	By Comity	1021	\$125.00
<input type="checkbox"/>	Are you applying with an CLARB Certificate Record? Yes <input type="checkbox"/> No <input type="checkbox"/>		
<input type="checkbox"/>	Reinstatement of VA Landscape Architect License that expired after July 1, 2010 and 5 or more years ago	4020	\$360.00

1. Have you ever held a **Virginia Landscape Architect License or certification**?

No

Yes If yes, provide the license number and expiration date below VA

License Number

0	4	0	6				
---	---	---	---	--	--	--	--

Expiration Date _____

❖ If the license **expired more than 6 months ago, but less than 5 years**, you are required to **reinstate** the Virginia Landscape Architect License by completing an *Landscape Architect License Reinstatement Application*. **DO NOT COMPLETE THIS LICENSE APPLICATION.**

For an Landscape Architect license that **expired after July 1, 2010 and 5 or more years ago**, you are required to complete this application and pay the reinstatement fee of \$360.00.

2. Full Legal Name (As it appears on your government issued ID or other legal documentation.)

 Last (required)

 First (required)

 Middle

 Generation

3. Provide at least one of the following identification numbers*:

Social Security Number and/or

			-			-			
--	--	--	---	--	--	---	--	--	--

Virginia DMV Control Number

--	--	--	--	--	--	--	--	--	--

➢ Enter the same identification number as used on examination, previous applications or licenses on file with the department.

* State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

4. Date of Birth _____

MM/DD/YYYY

5. Maiden or Former Name(s) _____

OFFICE USE ONLY	DATE	FEE	TRANS CODE	ENTITY #	FILE #/LICENSE #	ISSUE DATE
					0406	

6. Mailing Address (PO Box accepted) _____
 The mailing address will be printed on the license. _____

City _____ State _____ Zip Code _____

Check here if Street Address is the same as the Mailing Address listed above.

7. Street Address (PO Box **not** accepted) _____
PHYSICAL ADDRESS REQUIRED _____

City _____ State _____ Zip Code _____

⇒ If you are using your business address, include business name, full street address and any floor or suite number.

8. Contact Numbers _____
 Primary Telephone _____ Alternate Telephone _____

9. Email Address _____
 Email address is considered a public record and will be disclosed upon request from a third party.

10. Are you re-applying for **exam eligibility**?
 No
 Yes If yes, review the requirements below and then skip to question #15.

Requirements for re-applying for exam eligibility:
*The original eligibility period must be expired (for **less than 6 months**) and the applicant must have taken at least one examination during the previous eligibility period. If the applicant does not meet these requirements, they are required to **resubmit new references with this application.***

11. Are you applying to **reinstate** a license? (Reinstating a Virginia license that has **expired after July 1, 2010 and 5 or more years ago.**)
 No
 Yes If yes, provide the following and then skip to question #15:

- 1) Training certificates or other documentation showing successful completion of 16 hours of CE requirements; 2) three Landscape Architect Reference Forms* documenting your competence and integrity to engage in the practice of architecture; and 3) Landscape Architect Experience Verification Form(s)* documenting the required experience from the time of expiration to the present.
- * A CLARB certificate record may be submitted in lieu of references and experience.

➤ The board will evaluate the application and all supporting documents to determine if the applicant remains **qualified** to be a regulant of the board.

Skip to question #15.

12. **EDUCATION** - Complete the following table for your educational experience:

	Institution	Degree (BS, BA...)	Major	MM/YY Completed
Bachelors				
Masters				
Ph.D.				

13. Are you applying through **comity**?

No If no, skip to question #14.

Yes If yes, complete the following questions and then skip to question #15:

A. Are you applying with a Council of Landscape Architectural Registration Board (CLARB) Certificate?

No If no, provide the following documents:

1. Landscape Architect Experience Verification Form(s) documenting the required training/experience of a minimum of three years or more, depending on your education;
2. Three Landscape Architect Reference Forms documenting competence and integrity to engage in the practice of architecture;
3. A Landscape Architect Degree Verification Form or original official school transcript
4. Verification of Examination and Licensure Forms from each jurisdiction in which you passed an landscape architect examination and currently hold a Landscape Architect License, Certification or Registration.

Yes If yes, your CLARB Certificate Record must be transmitted directly to the Board office.

B. List all current Landscape Architect Licenses, Certifications and Registrations you hold in another state, jurisdiction, possession or territory of the United States (Then skip to question #15.)

State/Jurisdiction	Did you pass a written exam?	License, Certification or Registration Number	Expiration Date
	Yes <input type="checkbox"/> No <input type="checkbox"/>		
	Yes <input type="checkbox"/> No <input type="checkbox"/>		
	Yes <input type="checkbox"/> No <input type="checkbox"/>		
	Yes <input type="checkbox"/> No <input type="checkbox"/>		

14. Do you have a LAAB-accredited degree?

No If no, you must submit the following documents prior to being approved to sit for the LARE:

1. Official school transcript(s)*
2. Completed Landscape Architect Experience Verification Form(s) for Examination and Comity Applicants documenting a minimum of 8 years of combined education and experience in accordance with regulation 18VAC10-20-420 C*
3. Three Landscape Architect Reference Forms documenting competence and integrity to engage in the practice of landscape architecture.

Yes If yes, you must submit the following documents prior to being approved to sit for the LARE:

1. Completed degree verification form or official school transcript(s)*
2. Three Landscape Architect Reference Forms documenting competence and integrity to engage in the practice of landscape architecture

*A CLARB record may be submitted in lieu of Board education and experience forms; however, references must still be submitted on Board's form.

15. Have you ever been subject to a **disciplinary action** taken by any (including Virginia) local, state or national regulatory body?

No

Yes If yes, complete the [Disciplinary Action Reporting Form](#).

16. Have you ever been convicted or found guilty, regardless of the manner of adjudication, in any jurisdiction of the United States of any **felony**? *Any plea of nolo contendere shall be considered a conviction.*

No

Yes If yes, complete the [Criminal Conviction Reporting Form](#).

Have you ever been convicted or found guilty, regardless of the manner of adjudication, in any jurisdiction of the United States of any **misdemeanor**? *Any plea of nolo contendere shall be considered a conviction.*

No

Yes If yes, complete the [Criminal Conviction Reporting Form](#).

17. By signing this application, I certify the following statements:

- ◆ I am aware that submitting false information or omitting pertinent or material information in connection with this application will delay processing and may lead to license revocation or denial of license.
- ◆ I will notify the Board of any changes to the information provided in this application prior to receiving the requested license, certification, or registration including, but not limited to any disciplinary action or conviction of a felony or misdemeanor (in any jurisdiction).
- ◆ I authorize the Department to verify information concerning me or any statement in this application from any person, or any source the department may contact. I also agree to present any credentials or documents required or requested by the Department.
- ◆ I authorize any federal, state or local government agency, current or former employer, or other individual or business to release information which may be required for a background investigation.
- ◆ I have read, understand and complied with all the laws of Virginia related to this profession under the provisions of Title 54.1, Chapter 4, of the Code of Virginia and the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Regulations.

Signature _____ Date _____

**Board for Architects, Professional Engineers, Land Surveyors,
 Certified Interior Designers and Landscape Architects
 (For violations which occurred December 9, 2004 – July 2, 2019)**

The following are sanction guidelines for Consent Orders and IFF Summaries/Final Orders for violations of the Regulations and/or Statutes of the Board. While these are guidelines, each case is decided on its own merits and, subsequently, there may be deviation from these guidelines due to the specifics of each case.

Conduct = abbreviated text of Regulation or Statute

Min-Max Range = range of Sanctions per previous Board Orders

“;” (semicolon) denotes a separate file/case

CE = Continued Education hours

Regulation or Statute	Conduct	Min-Max Range
18VAC10-20-370	Minimum standards and procedures for land boundary surveying practice.	
18VAC10-20-370.A	application of the professional's seal, signature and date as required by these regulations shall be evidence that the land boundary survey is correct to the best of the professional's knowledge	\$300+4CE; \$500+2year probation+8CE; \$1000
18VAC10-20-370.B	Research procedure - search the land records for the proper description of the land to be surveyed and obtain the description of adjoining land(s) as it pertains to the common boundaries.	\$125; \$200; \$250; \$250+8CE; \$500; \$800;\$1000
18VAC10-20-370.C.1	Minimum Field Procedures. Angle measurements made for traverse or land boundary survey lines will be made by using a properly adjusted transit-type instrument which allows a direct reading to a minimum accuracy of 30 seconds of arc or metric equivalent	\$125; \$200

Regulation or Statute	Conduct	Min-Max Range
18VAC10-20-370.C.2	Minimum Field Procedures. Linear measurement. Distance measurement for the lines of traverse or lines of the land boundary survey shall be made with metal tapes	\$125
18VAC10-20-370.C.3	Minimum Field Procedures. Field traverse and land boundary closure and accuracy standards.	\$100; \$1000+CE
18VAC10-20-370.C.3 Par 1 (previously C.3.a)		\$125
18VAC10-20-370.C.3 Par 2 (previously C.3.b)	Minimum Field Procedures. maximum permissible positional uncertainty based on the 95% confidence level of any independent boundary corner	\$125
18VAC10-20-370.C.4	Minimum Field Procedures. Monumentation.	\$250; \$250; \$250+4CE; \$500
18VAC10-20-370.D.1	Office Procedures - Computations.	\$100+surrender license; \$200; \$250; \$250+4CE; \$500
18VAC10-20-370.D.2	Office Procedures – Plats and maps.	\$100+ surrender license; \$250; \$250+4CE; \$500; \$600+CE; \$700; \$900+CE
18VAC10-20-370.D.2.b	Name of the owner of record and recording references	\$100; \$100+4CE+probation; \$200
18VAC10-20-370.D.2.c	Names of all adjoining owners of record with recording references,	\$100; \$150; \$250; \$350
18VAC10-20-370.D.2.d	Inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining land(s).	\$100
18VAC10-20-370.D.2.e (previously D.2.d)	Names of highways and roads with route number	\$200; \$600

Regulation or Statute	Conduct	Min-Max Range
18VAC10-20-370.D.2.f	A distance to the nearest road intersection, or prominent or well-known object.	\$100
18VAC10-20-370.D.2.h (previously D.2.e)	Bearings of all property lines and meanders to nearest 10 seconds of arc or metric equivalent.	\$250
18VAC10-20-370.D.2.j (previously D.2.g)	Distances of all property lines and meanders to the nearest one hundredth (.01) of a foot or metric equivalent.	\$100; \$250
18VAC10-20-370.D.2.k	the bearing and distances from the new corners to the existing corners on each end of the existing property lines.	\$100
18VAC10-20-370.D.2.m (previously D.2.i)	For property located in urban areas, area to the nearest square foot or thousandth (0.001) of an acre or metric equivalent.	\$250
18VAC10-20-370.D.2.n (previously D.2.j)	North arrow and source of meridian used for the survey.	\$250
18VAC10-20-370.D.2.o (previously D.2.k)	For interior surveys, a reference bearing and distance to a property corner of an adjoining owner or other prominent object, including, but not limited to, intersecting streets or roads.	\$100
18VAC10-20-370.D.2.p (previously D.2.l)	Tax map designation or geographic parcel identification number if available.	\$200
18VAC10-20-370.D.2.r (previously D.2.n)	A statement that the land boundary survey shown is based on a current field survey or a compilation from deeds,	\$200; \$750; \$1000
18VAC10-20-370.D.2.u (previously D.2.p)	Name and address of the land surveyor or the registered business.	\$200
18VAC10-20-370.D.3	Metes and bounds description. The professional shall prepare a metes and bounds description in narrative form,	\$500

Regulation or Statute	Conduct	Min-Max Range
18VAC10-20-380	Minimum standards and procedures for surveys determining the location of physical improvements; field procedures; office procedures.	
18VAC10-20-380.A	to be used for surveys determining the location of physical improvements on any parcel of land or lot containing less than two acres or metric equivalent	\$1000
18VAC10-20-380.B	The professional shall determine the position of the lot or parcel of land in accordance with the intent of the original survey and shall set or verify permanent monumentation at each corner of the property,	\$250; \$500
18VAC10-20-380.B.1	Fences in near proximity to the land boundary lines and other fences which may reflect lines of occupancy or possession.	\$250
18VAC10-20-380.B.2	Other physical improvements on the property and all man-made or installed structures,	\$250
18VAC10-20-380.B.4	Other visible evidence of physical encroachment on the property.	\$1000
18VAC10-20-380.C.1	The bearings and distances for the boundaries and the area of the lot or parcel of land shall be shown in accordance with record data,	\$100+CE; \$250
18VAC10-20-380.C.4	Improvements and other pertinent features on the property as located in the field pursuant to subsection B of this section.	\$250
18VAC10-20-380.C.5	Physical encroachment, including fences, across a property line shall be identified and dimensioned with respect to the property line.	\$100+CE; \$250

Regulation or Statute	Conduct	Min-Max Range
18VAC10-20-380.C.6	The closest dimension (to the nearest 0.1 foot or metric equivalent) from the front property line, side property line, and if pertinent, rear property line to the principal walls of each building.	\$100+CE
18VAC10-20-380.C.7	Building street address numbers, as displayed on the premises, or so noted if no numbers are displayed.	\$250
18VAC10-20-380.C.10	Distance to nearest intersection from a property corner, based upon record data.	\$100+CE; \$250
18VAC10-20-380.C.15	A statement as to whether or not a current title report has been furnished to the professional.	\$100+CE; \$200
18VAC10-20-380.C.17 (previously C.16)	Professional's seal, signature and date.	\$200
18VAC10-20-380.C.18 (previously C.17)	Name and address of the land surveyor or registered business.	\$100+CE
18VAC10-20-660	Change of Status-Any changes of status including, but not limited to, change in entity, name (including assumed names), address, place of business or responsible persons	\$200
18VAC10-20-690	Responsibility to the public. The primary obligation of the regulant is to the public. The regulant shall recognize that the health, safety, and welfare of the general public are dependent upon professional judgments, decisions, and practices.	1 year probation+2CE
18VAC10-20-700	Public Statements	
18VAC10-20-700.A	The regulant shall be truthful in all professional matters and shall include all relevant information in professional reports, statements, or testimony, which shall include the date indicating when such information was current.	\$100; \$250; \$500; \$500+2 year probation +CE; \$850; \$1500+revocation

Regulation or Statute	Conduct	Min-Max Range
18VAC10-20-700.C	Except when appearing as an expert witness in court or in an administrative proceeding when the parties are represented by counsel, the regulant shall issue no statements, reports, criticisms, or arguments on matters relating to professional practice	\$500; \$1500
18VAC10-20-700.D	A regulant shall not knowingly make a materially false statement or deliberately withhold a material fact requested in connection with his application for licensure, certification, registration, renewal, or reinstatement.	8CE
18VAC10-20-710	Conflicts of Interest	
18VAC10-20-710.A	The regulant shall promptly and fully inform an employer or client of any business association, interest, or circumstance which may influence the regulant's judgment or the quality of service.	\$100; \$150; \$2500
18VAC10-20-710.B	The regulant shall not accept compensation, financial or otherwise, from more than one party for services on or pertaining to the same project unless the circumstances are fully disclosed and agreed to in writing by all interested parties	\$750; \$1500+ suspension+ probation +CE
18VAC10-20-720.A (previously 720.1)	Solicitation of work or employment	Revocation
18VAC10-20-730.A	Competency for assignments. The professional shall undertake to perform professional assignments only when qualified by education or experience,	\$2000+8CE+revocation; \$2500 waived if no longer engage as LS
18VAC10-20-730.B	A professional shall not misrepresent to a prospective or existing client or employer his qualifications	\$250

Regulation or Statute	Conduct	Min-Max Range
18VAC10-20-730.C	The professional shall adhere to the minimum standards and requirements pertaining to the practice of his own profession, as well as other professions if incidental work is performed.	\$500+surrender license; \$750; \$2500+2 year probation; \$2500+ suspension + probation +CE; \$2500 waived if no longer engage as LS
18VAC10-20-740	Professional Responsibility	
18VAC10-20-740.A	work must be completed by a professional or a person performing the work who is under the direct control and personal supervision of a professional.	\$500
18VAC10-20-740.B	A professional shall be able to clearly define his scope and degree of direct control and personal supervision, clearly define how it was exercised, and demonstrate that he was responsible within that capacity for the work that he has sealed, signed, and dated.	\$250; \$1000; \$1250+probation; \$2500+revocation; revocation; suspension
18VAC10-20-740.B.3 (previously 740.C)	Have exercised his professional judgment in all professional matters that are embodied in the work and the drawings, specifications, or other documents involved in the work;	\$500+2 year probation; \$1000+revocation; \$1250+probation; \$2500+revocation; revocation
18VAC10-20-740.B.4 (previously 740.D)	Have exercised critical examination and evaluation of an employee's, consultant's, subcontractor's, or project team member's work product, during and after preparation, for purposes of compliance with applicable laws, codes, ordinances, regulations, and usual and customary standards of care pertaining to professional practice.	\$100; \$350; \$500; \$500+2CE; \$500+2 year probation; \$500+2 year probation+CE

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Regulation or Statute	Conduct	Min-Max Range
18VAC10-20-740.D (previously 740.F)	A regulant who has direct knowledge or reason to believe that any individual or firm may have violated or may currently be violating any of these provisions...shall immediately inform the board in writing and shall cooperate in furnishing any further information or assistance that may be required by the board or any of its agents.	\$100+1 year probation; \$250+4CE
18VAC10-20-740.F	Except as authorized by 18VAC10-20-760 A 2, a regulant shall not utilize the design, drawings, specifications, or work of another regulant to complete or to replicate any work without the written consent of the person or organization that owns the design, drawings, specifications, or work.	\$500+2CE
18VAC10-20-750	Good Standing.	\$150; \$250; \$1000; probation; suspension; revocation; surrender license
18VAC10-20-750.A (previously intro par)	A regulant licensed, certified, or registered to practice architecture, engineering, land surveying, landscape architecture, or interior design in any jurisdiction shall be in good standing in every jurisdiction where licensed, certified, or registered.	Probation; suspension; revocation
18VAC10-20-750.B	A regulant who has received a reprimand, civil penalty, or monetary penalty, or whose license, certificate or registration is revoked, suspended, denied, or surrendered as a result of a disciplinary action by any jurisdiction, shall notify the board of such action within 30 days.	\$125; \$150; \$150+ probation; \$200; \$250; \$500; probation; revocation

Regulation or Statute	Conduct	Min-Max Range
18VAC10-20-750.C	????	\$100; \$125; \$150; \$200; \$250; \$400; \$500; \$2500+ revocation; probation; suspension; revocation
18VAC10-20-760	Use of Seal	\$1000
18VAC10-20-760.A	Affixing of a professional seal, signature, and date shall indicate that the professional has exercised direct control and personal supervision over the work to which it is affixed. Affixing of the seal, signature, and date also indicates the professional's acceptance of responsibility for the work shown thereon.	\$500+2 year probation +CE; \$1000; \$1000+revocation; \$2500+revocation
18VAC10-20-760.A.1 (previously 760.B)	No professional shall affix a seal, signature, and date or certification to a plan, plat, document, sketch, or other work constituting the practice of the professions regulated that has been prepared by an unlicensed or uncertified person unless such work was performed under the direct control and personal supervision of the professional	\$100; \$150; \$500; \$1000; \$1000+suspension +probation+CE; \$1000+revocation; revocation
18VAC10-20-760.A.2 (previously 760.B.1)	If the original professional of record is no longer able to seal, sign, and date completed professional work, such work may be sealed, signed, and dated by another qualified professional pursuant to the standards established in 18VAC10-20-740 G 1.	\$150; \$200; \$250; \$500+2 year probation+CE; \$1000; surrender license
18VAC10-20-760.B	Documents to be sealed.	

Materials contain no confidential information and are not to be distributed as regulated professions for discussion

Regulation or Statute	Conduct	Min-Max Range
18VAC10-20-760.B.1 (previously 760.B.1.a.1)	All final documents, including original cover sheet of plans, plats, documents, sketches, technical reports, and specifications, and each original sheet of plans, plats, or drawings prepared by the professional, or someone under his direct control and personal supervision, shall be sealed, signed, and dated by the professional.	\$150; \$250
18VAC10-20-760.D (previously 760.B.2)	Incomplete plans, plats, documents, and sketches, whether advance or preliminary copies, shall be so identified on the plan, plat, document, or sketch and need not be sealed, signed or dated.	\$50; \$100; \$200; \$200+4CE; \$250; \$500
18VAC10-20-760.E (previously 760.B.3)	All work performed by a professional who is licensed or certified by this board, including work that is exempt from licensure pursuant to § 54.1-402 of the Code of Virginia, shall be sealed, signed, and dated pursuant to subsection B of this section.	\$100; \$150; \$250; \$500; \$500+2yr probation; surrender license
18VAC10-20-760.F (previously 760.B.4)	The original seal shall conform in detail and size to the design illustrated below and shall be two inches in diameter.	\$250; \$500
18VAC10-20-770	Organization and styling of practice. A firm shall offer or practice only the professions shown on its board-issued registration.	\$250; \$500+2 year probation+CE
18VAC10-20-780	Professional required at each place of business. Any regulant maintaining a place of business that offers or practices architectural, engineering, land surveying, landscape architectural, or certified interior design services in Virginia, shall name at least one responsible person for each profession offered or practiced at each place of business.	\$250; \$350

Regulation or Statute	Conduct	Min-Max Range
18VAC10-20-790 intro par (previously 790.A)	A license, certificate, or registration shall not be sanctioned unless a majority of the eligible voting members of the entire board vote for the action.	revocation
18VAC10-20-790.2 (previously 790.A.1)	The license, certification, or registration was obtained or renewed through fraud or misrepresentation;	\$150; \$300; \$300+4 CE; \$300+6.5CE; \$300+16CE; \$500; surrender license
18VAC10-20-790.3 (previously 790.A.2)	The regulant has been found guilty by the board, or by a court of competent jurisdiction, of any material misrepresentation in the course of professional practice, or has been convicted, pleaded guilty or has been found guilty, regardless of adjudication or deferred adjudication, of any felony or misdemeanor that, in the judgment of the board, adversely affects the regulant's ability to perform satisfactorily within the regulated discipline.	\$1000+probation; probation; suspension; revocation; surrender license
18VAC10-20-790.4 (previously 790.A.3)	The regulant is guilty of professional incompetence, negligence, or gross negligence;	\$150; \$250; \$500; \$1000; \$2000; \$2000 +revocation; \$2500+1yr+probation+2CE; surrender license
18VAC10-20-790.6	The regulant fails to comply, or misrepresents any information pertaining to their compliance, with any of the continuing education requirements as contained in this chapter;	\$1000+revocation; surrender license

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Regulation or Statute	Conduct	Min-Max Range
18VAC10-20-790.8 (previously 790.A.6)	The regulant violates or induces others to violate any provision of Chapters 7 (§ 13.1-542.1 et seq.) and 13 (§ 13.1-1100 et seq.) of Title 13.1 or Chapters 1 (§ 54.1-100 et seq.) through 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia, or any other statute applicable to the practice of the professions regulated by this chapter.	\$250; \$500; \$500+ 4CE; \$750; \$1000; \$2000; \$2500+revocation
18VAC10-20-795	Change of Address. All regulants shall notify the board in writing of any change of address within 30 days of making the change.	\$250+revocation; \$500

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Section Chairs

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**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Board for APELSCIDLA
954160**

2018-2020 Biennium

July 2019

	July 2019 Activity	Biennium-to-Date Comparison	
		July 2016 - July 2017	July 2018 - July 2019
Cash/Revenue Balance Brought Forward			2,051,104
Revenues	165,975	1,692,528	1,896,120
Cumulative Revenues			3,947,224
Cost Categories:			
Board Expenditures	13,576	127,729	145,436
Board Administration	88,053	573,302	747,499
Administration of Exams	6,145	30,901	43,327
Enforcement	7,779	88,690	83,252
Legal Services	0	4,096	3,436
Information Systems	24,854	396,523	578,661
Facilities and Support Services	9,673	149,555	197,714
Agency Administration	34,550	371,262	331,543
Other / Transfers	0	56,268	(34)
Transfer To/(From) Cash Reserves	1,816,390	0	1,816,390
Total Expenses	2,001,020	1,798,326	3,947,224
Ending Cash/Revenue Balance			0

Cash Reserve Beginning Balance	0	0	0
Change in Cash Reserve	1,816,390	0	1,816,390
Ending Cash Reserve Balance	1,816,390	0	1,816,390

Number of Regulants

Current Month	44,271
Previous Biennium-to-Date	41,997

Department of Professional and Occupational Regulation
 Supporting Statement of Year-to-Date Activity
 Board for APELSCIDLA - 954160
 Fiscal Year 2020

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																Amount	%	
Board Expenditures	13,576	0	0	0	0	0	0	0	0	0	0	0	13,576	200,366	186,790	126,523	73,843	36.9%
Board Administration	88,053	0	0	0	0	0	0	0	0	0	0	0	88,053	821,056	733,003	660,936	160,120	19.5%
Administration of Exams	6,145	0	0	0	0	0	0	0	0	0	0	0	6,145	42,695	36,551	53,116	-10,420	-24.4%
Enforcement	7,779	0	0	0	0	0	0	0	0	0	0	0	7,779	80,575	72,796	55,110	25,465	31.6%
Legal Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Information Systems	24,854	0	0	0	0	0	0	0	0	0	0	0	24,854	575,421	550,568	196,995	378,426	65.8%
Facilities / Support Svcs	9,673	0	0	0	0	0	0	0	0	0	0	0	9,673	192,470	182,797	89,134	103,336	53.7%
Agency Administration	34,550	0	0	0	0	0	0	0	0	0	0	0	34,550	367,330	332,779	244,452	122,878	33.5%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Charges	184,630	0	0	0	0	0	0	0	0	0	0	0	184,630	2,279,914	2,095,284	1,426,267	853,646	37.4%

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NCARB Update

- **Region 2 Legal Outreach, August 21**
- **Model Law Task Force, August 22-25**

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NCEES Update

- LS Exam
- Annual Meeting, August 14-17

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RESOLUTION OF COOPERATION
to Facilitate Interstate Licensure for
Professional Engineers and Professional Surveyors

WHEREAS, The National Council of Examiners for Engineering and Surveying (NCEES) is a national organization created by state licensing boards in 1920 to facilitate professional licensing mobility and promote uniformity of the U.S. licensure processes through services for its member licensing boards and licensees; and

WHEREAS, The NCEES' members are the engineering and surveying licensure boards from all 50 states, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands; and

WHEREAS, The mission of NCEES is to advance licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public; and

WHEREAS, The NCEES Model Law, Model Rules, and Manual of Policy and Position Statements are publications adopted by the membership of NCEES; and

WHEREAS, The adopted model licensure concepts within these publications set a common standard for licensure mobility and portability among its member boards to facilitate an efficient, streamlined, expedited administrative procedure and approval process; and

WHEREAS, Alignment of licensure processes and requirements is imperative to facilitate portability of licenses between member boards of NCEES; and

WHEREAS, Increased licensure portability aligns with government initiatives to diversify economies and support economic growth; and

WHEREAS, In the absence of licensure portability efforts, barriers to licensure can remain in variable state laws, rules, administrative procedures and approval processes; and

WHEREAS, Barriers to licensure, whether perceived or real, threaten the health, safety and welfare of the public by the potential for legislative action that erodes professional licensing regulation and may also perpetuate or introduce unnecessary bureaucratic processes that an applicant must undertake, which potentially could become barriers to employment; and

WHEREAS, It is recognized that some member boards may have challenges, such as staffing or obtaining authority to revise statutes and rules which may impede streamlined processes; and

WHEREAS, The NCEES will commemorate 100 years of advancing licensure through the licensing of professional engineers and land surveyors in 2020; therefore, be it

RESOLVED, That the following signatories agree to license a NCEES Model Law comity applicant that meets national standards in the most expeditious manner available within the scope of current state licensing laws and rules; and furthermore be it

RESOLVED, That signatory boards are committed to identifying and working to remove barriers to licensure portability and mobility which are not in the best interest of the public and not required to fulfill the mission of safeguarding the health, safety, and welfare of the public; and furthermore be it

RESOLVED, That signatory boards are committed to work towards revising current licensing laws, rules, and policies to allow for more streamlined approval processes for NCEES Model Law applicants and other qualifying applicants in my state or jurisdiction; and furthermore be it

RESOLVED, That signatory boards are committed to minimizing or eliminating unnecessary state or jurisdiction specific licensure requirements.

The undersigned hereby certifies that he/she is the duly qualified member board representative to serve as signatory of this Resolution of Cooperation and resolves to complete these efforts by 2020 to coincide with the 100th anniversary of NCEES at its annual meeting.

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----- Forwarded message -----

From: **Heather Richardson (Basecamp)** <notifications@3.basecamp.com>

Date: Fri, Aug 23, 2019 at 1:29 PM

Subject: (MBA Link) Resolution of Cooperation

To: <kate.nosbisch@dpor.virginia.gov>

As we discussed at the 2019 NCEES Annual Meeting in Washington, D.C., the MBA Committee has been working on a Resolution of Cooperation (ROC) for all Boards. *Please see the attached Draft ROC.*

In 1920, NCEES was created by state licensing boards to facilitate professional licensing mobility and promote uniformity of the licensure process. The MBA Committee of NCEES has sought an agreement between all states, which would communicate that state engineering and surveying boards are working together to eliminate licensure barriers and encourage mobility of licensure between states. The committee understands that not all state boards license in the same way with the same qualifications; therefore, the ROC was written broadly and it is the desire of the committee that it is a non-binding document that attempts to show uniformity by licensure boards.

Since the 100th year anniversary of NCEES is in 2020, the MBA Committee thought it would be a good time to renew the individual board's agreement with the original mission of NCEES.

The committee is requesting that MBAs please submit any board comments and concerns regarding the ROC to me at the email address below by December 2019. It is the committee's desire to present the ROC at the 2020 Joint Zone Meeting in Houston, TX and a finalized ROC for the 100 year anniversary of NCEES at the 2020 Annual Meeting in Chicago, IL.

I look forward to your board responses.

Heather Richardson
MBA Committee, Chair

Heather.Richardson@Arkansas.gov

office: (501) 682-2826

CIDQ Update

- **Annual Conference, November 8-9**

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ASLA

- **VA ASLA Conference, September 21-22**

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CLARB Update

- **Foresight Parts 1-4**
- **Annual Meeting, September 26-28**

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Board Future

- **What will our Board/Licensure Look like a Decade from Now?**

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Other Business

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Conflict of Interest / Travel Vouchers

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A Day in the Life of a Landscape Architect

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Adjourn

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