

**APELSCIDLA Board
TENTATIVE Agenda**

March 27, 2023, 10:00 a.m.

Board Room 4

Department of Professional & Occupational Regulation

9960 Mayland Drive

Richmond, Virginia 23233

804-367-8506

1. Call to Order
2. Emergency Evacuation
3. Announcements
4. Approval of Agenda
5. Approval of Minutes
 - APELSCIDLA Board Meeting, November 15, 2022
 - APELSCIDLA Board Meeting, February 8, 2023
6. Public Comment
7. File Review
 - File Number 2022-00392 Mahesh Prasad Adhikari
IFF (Zmuda & Kelly) – Disciplinary
 - File Number 2023-00167 John Claiborne Lewis
CO (Stone)
8. Landscape Architects
 - CLARB Update
 - i. Annual Meeting, September 2023
9. Professional Engineers
 - NCEES Update
 - i. Jim Kelly Nomination Letter
 - ii. Annual Meeting, August 2023
 - iii. Vickie Anglin Appointed to the Zone Leadership Committee
 - iv. Doyle Allen Appointed to Chair the Nominating Committee
 - v. Andy Zoutewelle NCEES President – Elect Nomination – Emailed February 12, 2023
 - vi. Rickborn for NCEES President-Elect – Emailed February 12, 2023
 - vii. Southern Zone Assistant Vice President Nomination – Emailed February 14, 2023

- viii. Announcement of Candidacy for 2023 NCEES National Treasurer – Emailed February 16, 2023
- ix. Dr. Sina Nejad, PE, PEng, for Southern Zone Assistant Vice President – Emailed February 17, 2023
- x. Sina Nejad – NCEES – Emailed February 23, 2023

10. Land Surveyors

- NCEES Update (as above)
- Registration, Exhibits, Sponsors, Oh My! Sign up for the VAS Convention – Emailed February 23, 2023

11. Architects

- AIA
- NCARB Update
 - i. FY23 NCARB Draft Resolutions – Emailed February 3, 2023
 - ii. Ed Marley Candidacy for Second Vice President NCARB Board of Directors – Emailed February 12, 2023
 - iii. Ken Van Tine – Candidate for First Vice President/President Elect – Emailed February 13, 2023
 - iv. NCARB Special Edition Fast Facts – Rolling Clock Policy Update – Emailed February 13, 2023
 - v. John Patrick Rademacher – Candidacy for Treasurer on the FY 2024 NCARB Board of Directors – Emailed February 14, 2023
 - vi. Candidacy for FY24 NCARB Secretary – Emailed February 16, 2023
 - vii. Candidate for FY2024 NCARB Secretary – Emailed February 16, 2023
 - viii. Candidacy for FY24 Treasurer, NCARB – Emailed February 17, 2023
 - ix. NCARB is Retiring the Rolling Clock Policy – Emailed February 23, 2023
 - x. New Reciprocity Agreement Signed by United States and United Kingdom – Emailed February 24, 2023
 - xi. Regional Summit – March 2 – 5, 2023

12. Certified Interior Designers

- CIDQ Update
 - i. Mark Your Calendars – Nominations Open March 1, 2023 – Emailed February 23, 2023
 - ii. Annual Meeting, November 2023

13. Regulatory Update

14. Business Agreements

15. Statutory/Regulatory Review Committee

16. General Assembly Update

17. Licensed and Certified Population

18. Financial Statements

18. Other Business

19. Conflict of Interest and Travel Vouchers

20. Adjourn

NEXT MEETING SCHEDULED FOR May 16, 2023

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.

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

- **Call to Order**
- **Emergency Evacuation**
- **Announcements**

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 MEETING MINUTES

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on November 15, 2022 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Architects

Tim Colley
April Drake
Mel Price

Professional Engineers

James Kelly
Christopher Stone

Land Surveyors

Doyle Allen
Vickie Anglin
Mike Zmuda

Interior Designers

Caroline Alexander

Landscape Architects

Frank Hancock, III
Ann Stokes

Citizen Members

Karen Reynes
Hypatia Alexandria

Vinay Nair and Cameron Stiles were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Demetrious J. Melis, Director
Tom Payne, CID Deputy Director
Steve Kirschner, LRPD Deputy Director
Kathleen (Kate) Nosbisch, Executive Director
Bonnie Davis, Regulatory Operations Administrator
Breanne Henshaw, Licensing Operations Administrator
Michelle Couch, Lead Legal Analyst – CAR
Chris Goulding, Legal Analyst – CAR

Members of the audience:

Georg Dahl, Virginia Society of Professional Engineers (VSPE) STEM and Educational Outreach Lead for Tidewater/Hampton Roads Chapter
Thomas Roberts, PE, CFM, VLWA
Andy Zoutewelle, PLS, Vice President of the NCEES Southern Zone
Paul Battaglia, Vice President of AIA Virginia

Elizabeth Peay, Assistant Attorney General with the Office of the Attorney General, was present.

Finding a quorum of the Board present, Ms. Stokes, Chair, called the meeting to order at 10:08 a.m.

Call to Order

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

Emergency Evacuation

Ms. Nobsch introduced Steve Kirschner as the Deputy Director of the Licensing and Regulatory Programs Division. Ms. Nobsch introduced members of the audience and Mr. Colley introduced Paul Battaglia as the new Vice President of the American Institute of Architects (AIA) Virginia. Ms. Nobsch informed the Board that Bonnie Davis has transitioned from BMAW Board Operations Administrator to the APELSCIDLA Regulatory Operations Administrator and Breanne Henshaw has been promoted from Administrative Coordinator to Licensing Operations Administrator.

Announcements

Mr. Stone moved to approve the agenda as presented. Mr. Kelly seconded the motion which was unanimously approved by: Alexander, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stokes, Stone, and Zmuda.

Approval of Agenda

Mr. Stone moved to approve the May 11, 2022, Board meeting minutes, the May 11, 2022, Land Surveyors Section meeting minutes, and the August 3, 2022, Regulatory Review Committee meeting minutes. Mr. Kelly seconded the motion which was approved by: Alexander, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stokes, Stone, and Zmuda.

Approval of Minutes

Mr. Dahl discussed VSPE and stated they are investigating localities in Maryland, West Virginia, and Virginia whose Building Officials exercise an exemption of requiring a Registered Design Professional (RDP) for accessory use structures.

Public Comment Period

Mr. Roberts discussed the use of lidar systems in terms of land surveying and how professional engineers should have the ability to perform this task instead of requiring a licensed land surveyor to perform the work.

Mr. Battaglia discussed his new role with AIA Virginia as the Vice President and shared his teaching background in regards to architecture along with his background within the profession.

Ms. Alexandria arrived to the meeting at 10:42 a.m.

Arrival of Board Member

Mr. Stone recused himself from the meeting for discussion and deliberation of the file.

Recusal of Board

Regarding **File Number 2022-01036, Musab Al-Tamimi**, 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. Al-Tamimi's application for professional engineer by comity. Ms. Anglin seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stokes, and Zmuda.

Member
File Number 2022-01036, Musab Al-Tamimi

Mr. Stone returned to the meeting.

Return of Board Member

Mr. Zmuda recused himself from the meeting for discussion and deliberation of the file.

Recusal of Board Member

Regarding **File Number 2022-00672, James Michael Powers**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Anglin moved to accept the recommendation of the presiding officer and approve Mr. Power's application for land surveyor by comity. Ms. Price seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stone, and Stokes.

File Number 2022-00672, James Michael Powers

Mr. Zmuda returned to the meeting.

Return of Board Member

Regarding **File Number 2022-02168, Frank Pajaro**, 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. Stone moved to accept the recommendation of the presiding officer and deny Mr. Pajaro's application for professional engineer license reinstatement. Mr. Kelly seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stone, Stokes, and Zmuda.

File Number 2022-02168, Frank Pajaro

Regarding **File Number 2022-01751, Scott Alley**, 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.

File Number 2022-01751, Scott Alley

Mr. Alley was present at the meeting and informed the Board that he is in

support of the presiding officer's recommendation, and he thanked the Board for their consideration.

After consideration, Ms. Anglin moved to accept the recommendation of the presiding officer. Mr. Stone seconded the motion.

The Board discussed the file and whether or not the Board could look into Mr. Alley's qualifications. Board Counsel provided guidance and indicated the Board could only look at the criminal convictions which were discussed during the Informal Fact-Finding Conference at this time. Ms. Peay continued by stating the Board could vote to remand the file back to an Informal Fact-Finding Conference in order to discuss Mr. Alley's qualifications.

The motion was approved by members Alexander, Drake, and Hancock, Alexandria, Allen, Anglin, Colley, Kelly, Price, Reynes, Stone, and Stokes opposed and the motion did not pass.

Mr. Stone moved to remand Mr. Alley's application for land surveyor license reinstatement back to an Informal Fact-Finding Conference to look into Mr. Alley's qualifications along with confirming the qualifications were met for land surveyor license reinstatement. Mr. Allen seconded the motion which was approved by members: Alexandria, Allen, Anglin, Colley, Kelly, Price, Reynes, Stone, and Stokes. Alexander, Drake, and Hancock opposed.

Mr. Kelly recused himself from the meeting for discussion and deliberation of the file.

Recusal of Board Member

Regarding **File Number 2022-01610, Negussu Solomon**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Solomon.

File Number 2022-01610, Negussu Solomon

Mr. Stone moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-790.8 (Count 1), 18VAC10-20-760.B.1. (Count 2), 18VAC10-20-790.7. (Count 3), and 18VAC10-20-760.A.1. (Count 4). For these violations, Mr. Solomon agrees to pay the following monetary penalties: \$1,000.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; \$750.00 for the violation contained in Count 3; \$1,500.00 for the violation contained in Count 4; and \$150.00 in Board costs, for a total monetary penalty of \$3,900.00. In addition, Mr. Solomon agreed to complete the open book examination on the Regulations approved by the Board and provide proof of successful completion within six months of the effective date of the Consent Order. Further, Mr. Solomon agrees to complete at least two hours of continuing education pertaining to ethics and/or other equivalent course approved by the Board and provide proof of attendance and completion within six months of the effective date of the Consent Order.

Mr. Allen seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Price, Reynes, Stone, Stokes, and Zmuda.

Mr. Kelly returned to the meeting.

Regarding **File Number 2022-01941, Matthew Charles Bolick**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Bolick.

Mr. Stone moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-790.1. (Count 1). For this violation, Mr. Bolick agrees to pay the following monetary penalties: \$150.00 in Board costs. In addition, Mr. Bolick agrees to revocation of his license. Ms. Price seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stone, Stokes, and Zmuda.

Ms. Nosbisch stated the landscape architect update items were provided for informational purposes.

Mr. Zoutewelle addressed the Board regarding updates for the NCEES Southern Zone. Mr. Zoutewelle provided information on initiatives taken on by NCEES currently along with upcoming meeting dates.

Ms. Nosbisch indicated that in addition to the NCEES update, the Virginia Association of Surveyors items were provided for informational purposes.

Ms. Nosbisch stated the NCARB and AIA information was provided for informational purposes.

The Board was provided with two handouts regarding NCARB's United States and United Kingdom Reciprocity Agreement for Architects. The reciprocity agreement would allow architects registered with the UK's Architects Registration Board to gain licensure in the US through reciprocity. Mr. Colley made a motion to support the US and UK reciprocity agreement from NCARB. Ms. Price seconded the motion, which was approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stokes, and Zmuda. Mr. Stone abstained and stated he does not have enough information to support the agreement at this time.

Ms. Nosbisch stated the certified interior designer update items were provided for informational purposes.

Return of Board Member

File Number 2022-01941, Matthew Charles Bolick

Landscape Architect Update

Professional Engineer Update

Land Surveyor Section Update

Architect Section Update

NCARB US and UK Reciprocity Agreement

Certified Interior Designer Section

Update

The Board recessed from 11:28 a.m. to 11:54 a.m.

Recess

The Board was provided with correspondence from the Alliance for Responsible Professional Licensing (ARPL). NCARB, CLARB, and NCEES are all members.

**Communication
from Alliance for
Responsible
Professional
Licensing
(NCARB, CLARB,
and NCEES are all
members)**

The Board was provided with the proposed language for the fee adjustment. Mr. Allen made a motion to accept the language as proposed. Mr. Stone seconded the motion, which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stone, Stokes, and Zmuda.

Regulatory Update

The Board was provided with a regulatory update packet with recommendations from the Regulatory Review Committee.

The Committee provided an interpretation of 18VAC10-20-640., which states that the only entities that do not have to apply for business registrations are sole proprietorships that do not employ licensed professionals. Mr. Stone made a motion to accept the interpretation. Ms. Alexander seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stone, Stokes, and Zmuda.

The Committee provided a recommended change to 18VAC10-20-780. The recommendation was to remove the word “resident” as many brick-and-mortar businesses have not re-opened after COVID-19. The Board discussed concern over not requiring a licensed individual to be at the physical location for businesses that are still operating with a brick-and-mortar location. Mr. Kirschner encouraged the Board to consider the risk of harm to the health, safety, and welfare of the public. After further discussion, Mr. Kelly made a motion to send the regulation back to the Regulatory Review Committee for additional review. Mr. Stone seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stone, Stokes, and Zmuda.

The Committee provided recommended changes to the land surveyor regulations

for the purpose of clarifying requirements and making corrections to the following regulations: 18VAC10-20-310., 18VAC10-20-370., 18VAC10-20-380., and 18VAC10-20-382. Mr. Stone made a motion to accept the recommended changes and file a Notice of Intended Regulatory Action (NOIRA). Ms. Anglin seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stone, Stokes, and Zmuda.

The Committee provided recommended changes to the professional engineer regulations by adding the four year education and 20 year experience path to licensure option to 18VAC10-20-210.B., which was previously listed in the regulations. The Committee also recommended adding 18VAC10-20-190. back into the regulations as it was previously repealed. Mr. Stone made a motion to accept the recommended changes and file a Notice of Intended Regulatory Action (NOIRA). Mr. Kelly seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stone, Stokes, and Zmuda.

The Board was provided with the number of APELSCIDLA cases closed with no violation between January 1, 2022 – July 25, 2022 for informational purposes.

**Cases Closed with
No Violations
Update**

The licensee counts as of October 1, 2022:

APELSCIDLA Businesses	4,806
Architects	7,682
Professional Engineers	30,458
Land Surveyors	1,223
Land Surveyors B	63
Land Surveyor Photogrammetrists	97
Certified Interior Designers	474
Landscape Architects	951

**Licensed and
Certified
Population**

Ms. Nobsch stated the financial statements were provided for informational purposes only.

**Financial
Statements**

Ms. Nobsch informed the Board how the election of officers has been completed previously for the Board, which would typically have the Vice Chair rotate to Chair; however, Mr. Stone's second term expired on June 30, 2022, which means a new Chair and Vice Chair will be needed.

Election of Officers

Ms. Nobsch opened the floor for nominations for Board Chair. Mr. Stone

nominated Mr. Kelly as Board Chair. Ms. Anglin seconded the motion. Mr. Kelly accepted the nomination. Ms. Nosbisch asked if there were any additional nominations for Board Chair. There being none, Ms. Nosbisch closed the floor for nominations. The motion was unanimously approved by: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stone, Stokes, and Zmuda. By acclamation, Mr. Kelly was named Board Chair.

Ms. Nosbisch opened the floor for nominations for Board Vice Chair. Mr. Stone moved to nominate Ms. Reynes as Board Vice Chair. Mr. Allen seconded the motion. Ms. Reynes accepted the nomination. Ms. Nosbisch asked if there were any additional nominations for Board Vice Chair. There being none, Ms. Nosbisch closed the floor for nominations. The motion was unanimously approved by: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stone, Stokes, and Zmuda. By acclamation, Ms. Reynes was named Board Vice Chair.

The Board was presented with 2023 Board Meeting dates. Ms. Alexander made a motion to accept the dates as presented. Ms. Price seconded the motion which was unanimously approved by: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Reynes, Stone, Stokes, and Zmuda.

Approval of 2023 Meeting Dates

Ms. Nosbisch congratulated Ms. Price for winning an Award of Merit and Adaptive Reuse from AIA Virginia.

Other Business

Conflict of Interest forms and Travel Vouchers were completed by all Board members present.

Conflict of Interest Forms / Travel Vouchers

There being no further business, the meeting was adjourned at 12:58 p.m.

Adjourn

Ann Stokes, Chair

Demetrios J. Melis, Secretary

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on February 8, 2023 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia, with the following members present for all or part of the meeting:

Architects

Tim Colley
April Drake
Mel Price

Professional Engineers

James Kelly
Rick Townsend

Land Surveyors

Doyle Allen
Vickie Anglin
Mike Zmuda

Interior Designers

Caroline Alexander
Cameron Stiles

Landscape Architects

Frank Hancock, III

Citizen Members

Hypatia Alexandria

Ms. Nobsch, Ann Stokes, Vinay Nair, and Karen Reynes were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Demetrious J. Melis, Director
Kishore Thota, Chief Deputy Director
Tom Payne, CID Deputy Director
Steve Kirschner, LRPD Deputy Director
Bonnie Davis, Regulatory Operations Administrator
Breanne Henshaw, Licensing Operations Administrator
Julie Jackson-Bailey, Post-Adjudication and Licensing Director
Christina Dumas, Post-Adjudication and Licensing Specialist
Monique Peterson, Post-Adjudication and Licensing Specialist

Members of the audience:

Georg Dahl, Virginia Society of Professional Engineers (VSPE) STEM and Educational Outreach Lead for Tidewater/Hampton Roads Chapter
Nancy Israel, ACEC, Virginia
Chris Stone, P.E., former Board Member
Scott Alley

Elizabeth Peay, Assistant Attorney General with the Office of the Attorney General, was

present.

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

Call to Order

Mr. Kelly advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation**

Ms. Davis introduced new professional engineer board member, Rick Townsend. The Board members and staff introduced themselves to Mr. Townsend. Ms. Davis introduced members of the audience and thanked Mr. Stone for his service on the APELSCIDLA Board.

Announcements

Mr. Kelly read the following resolution for consideration by the Board:

**Resolution for
Chris Stone**

Resolution for

Christopher M. Stone

WHEREAS, Christopher M. Stone, did faithfully and diligently serve the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 2014 to 2023;

WHEREAS, Christopher M. Stone, did devote generously of his time, talent and leadership to the Board;

WHEREAS, Christopher M. Stone, did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects this eighth day of February 2023, that Christopher M. Stone be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

The Board members agreed to the resolution by consensus and thanked Mr. Stone for his service. Mr. Stone stated it was a pleasure and honor to serve on the Board. Ms. Davis thanked Mr. Stone for his service and for agreeing to stay on as a subject matter expert for the Board's Statutory Review Committee.

Ms. Davis informed the Board that she and Ms. Henshaw attended the Inter-organizational Council on Regulation (ICOR) Joint Orientation Meeting on February 6, 2023. This meeting was a joint meeting with NCEES, NCARB, CIDQ, and CLARB.

**Landscape
Architect Update**

Ms. Davis stated the NCEES update items were provided for informational purposes.

**Professional
Engineer Update**

Ms. Davis indicated that in addition to the NCEES update, the Virginia Association of Surveyors items were provided for informational purposes.

**Land Surveyor
Section Update**

Ms. Davis stated the NCARB and AIA information was provided for informational purposes.

**Architect Section
Update**

Ms. Davis stated the certified interior designer update items were provided for informational purposes.

**Certified Interior
Designer Section
Update**

Ms. Alexandria arrived at 10:19 a.m.

**Arrival of Board
Member**

Having a quorum present, the Board agreed by consensus to remove disciplinary case file 2022-00392 Mahesh Prasad Adhikari from the agenda. Ms. Stiles moved to approve the agenda as amended. Mr. Colley seconded the motion which was unanimously approved by: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Stiles, Townsend, and Zmuda.

**Approval of
Agenda**

Ms. Anglin moved to approve the November 15, 2022 Board meeting minutes and the January 23, 2023 Professional Engineer and Land Surveyors Section meeting minutes. Mr. Zmuda seconded the motion which was approved by: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Stiles, Townsend, and Zmuda.

**Approval of
Minutes**

There was no public comment.

**Public Comment
Period**

Mr. Zmuda recused himself from the meeting for discussion and deliberation of the file.

Recusal of Board Member

Regarding **File Number 2022-01751, Scott Alley**, 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.

File Number 2022-01751, Scott Alley

Mr. Alley was present at the meeting and informed the Board that he is in support of the presiding officer's recommendation.

After brief discussion, Ms. Anglin moved to accept the recommendation of the presiding officer and approve Mr. Alley's reinstatement application for land surveyor. Ms. Stiles seconded the motion.

At 10:31 a.m., Mr. Hancock moved that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of deliberation on disciplinary cases resulting from an Informal or Formal Hearings in order to reach a decision as permitted by § 2.2-3711.A.27 of the Code of Virginia. Ms. Alexander seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Stiles, and Townsend.

Closed Meeting

At 11:14 a.m., Mr. Hancock moved to adjourn the closed meeting and to immediately reconvene in open meeting. Mr. Allen seconded the motion which was unanimously approved by members: Alexander, Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Stiles, and Townsend.

Open Meeting

Ms. Anglin rescinded the motion made prior to closed meeting and Ms. Stiles agreed. Ms. Price made a motion to deny the recommendation of the presiding officer to deny Mr. Alley's application for reinstatement as a land surveyor per § 54.1-204.B.1., 5., 6., and 7. of the Code of Virginia. Mr. Allen seconded the motion.

File Number 2022-01751, Scott Alley continued

The motion was approved by members Alexander, Allen, Colley, Kelly, Price, and Townsend. Alexandria, Anglin, Drake, Hancock, and Stiles denied the motion. The motion to deny Mr. Alley's application for reinstatement passed with a vote of six to five.

Mr. Zmuda returned to the meeting.

Return of Board Member

Mr. Allen moved to nominate Mr. Kelly as NCEES Southern Zone Vice President. Ms.

NCEES Southern Zone Vice

Anglin seconded the motion which was unanimously approved by: Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Stiles, Townsend, and Zmuda. Staff will submit a letter to NCEES nominating Mr. Kelly for this position.

**President
Nomination**

The Board discussed removing the term “business” on question ten of the reference forms for Engineer-in-Training, Architect, Landscape Architect, Land Surveyor, and Surveyor Photogrammetrist. The Professional Engineer reference form removed the term “business” previously. Mr. Kelly moved to approve the change to the Reference Form for all professions as presented. Mr. Zmuda seconded the motion which was unanimously approved by: Alexandria, Allen, Anglin, Colley, Drake, Hancock, Kelly, Price, Stiles, Townsend, and Zmuda.

**Reference Sample
Form**

Ms. Davis informed the Board that the fee adjustment regulatory change was submitted to the Department of Planning and Budget on January 23, 2023 and the regulatory changes to the professional engineer and land surveyor regulations will be submitted as fast track regulations.

Regulatory Update

At the January 23, 2023, Professional Engineers and Land Surveyors Section meeting, a discussion took place regarding the review of regulations. Mr. Stone agreed to chair the committee and Ms. Anglin agreed to represent the land surveyor’s section. As Mr. Stone’s term as professional engineer has expired, Mr. Kelly agreed to chair and represent the professional engineer’s section. The Board discussed the Statutory Review Committee and Ms. Henshaw informed the Board that this committee would occur prior to the line-by-line review of the regulations and would be a way for the Board to make recommendations for the agency to consider adding to the legislative package. Mr. Melis recommend the Board use the same members for the Statutory Review Committee and the Regulatory Review Committee. The Board discussed using the same Regulatory Review Committee members of the previous committee for this committee. The following board members agreed to represent their respective sections: Ms. Drake for architects, Ms. Anglin for land surveyors, Mr. Kelly for professional engineers, Ms. Alexander for certified interior designers, Ms. Stokes will be asked to represent landscape architects, and Ms. Reynes will be asked to continue representing the citizen member seat as she did with the previous Regulatory Review Committee. Mr. Stone will remain on the committee as a subject matter expert.

**Statutory Review
Committee**

Director Melis provided an update to the Board regarding legislative bills put forward by the agency, specifically discussing House Bill 2180/Senate Bill 1213 and Senate Bill 1480. Mr. Melis stated SB1480 was submitted to deregulate some of the professions outlined in the 2019 JLARC report. Mr. Melis informed the

**General Assembly
Update**

Board that SB1480 was passed by indefinitely while in sub-committee at the General Assembly this year. As for HB2180/SB1213, these bills were submitted as agency bills, which would allow for universal licensing and they have passed in both houses and will move forward.

Mr. Kirschner informed the Board of another bill, Senate Bill 1227, which, if passed, will affect all boards under DPOR, and this legislation will require the boards to develop language indicating the type of criminal history that will not require Board review or an Informal Fact Finding hearing (IFF).

Ms. Price stated she is concerned about the potential lack of understanding in regard to the certified interior designer profession as they assist architects in protecting the health, safety, and welfare of the public by understanding code compliance, slipperiness of certain floor types within a building, understanding what types of materials to use, etc. Director Melis stated the certified interior design profession was included in SB1480 due to the fact that interior designers voluntarily became certified with DPOR and in order to complete this type of work a person in Virginia can do so with or without a certification.

The Board was provided with Guidance Document 4462: Requirements for the Use of Topographic Surveys, Orthographic Maps or other Geospatial Data in Virginia for informational purposes as follow up to the Professional Engineers and Land Surveyors Section meeting. The Board discussed the guidance document and considered if the GIS data discussed within the document should be updated based on today's standards. The Board discussed forming a committee to further look into this information and will follow up with Ms. Nobsisch.

Use of Lidar Systems

The licensee counts as of January 1, 2023:

APELSCIDLA Businesses	4,901
Architects	7,695
Professional Engineers	30,637
Land Surveyors	1,229
Land Surveyors B	63
Land Surveyor Photogrammetrists	101
Certified Interior Designers	467
Landscape Architects	948

Licensed and Certified Population

Ms. Davis stated the financial statements were provided for informational purposes only.

Financial Statements

Mr. Kirschner informed the Board that respondents for disciplinary cases have a

Other Business

right to due process and can ask the Board to decide on a case within thirty days. If a request of this nature is received from the respondent for case file 2022-01751, then the Board may be required to decide before the next Board meeting on May 16, 2023. The Board asked Board staff to provide potential meeting dates prior to the May 16, 2023, Board meeting in order to be prepared for this potential request.

Conflict of Interest forms and Travel Vouchers were completed by all Board members present.

**Conflict of Interest
Forms / Travel
Vouchers**

There being no further business, the meeting was adjourned at 12:13 p.m.

Adjourn

James Kelly, Chair

Demetrios J. Melis, Secretary

➤ **Public Comment**

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➤ **Landscape Architects**

○ **CLARB Update**

- **Annual Meeting,
September 2023**

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COMMONWEALTH of VIRGINIA

Department of Professional and Occupational Regulation

Glenn A. Youngkin
Governor

G. Bryan Slater
Secretary of Labor

February 13, 2023

Demetrios J. Melis
Director

Dear NCEES Southern Zone Nominations Committee:

The Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA) is pleased to nominate Mr. Jim Kelly, PE for the position of Southern Region Vice President. The Board has confidence that if elected, Mr. Kelly will exercise the duties of the office.

Mr. Kelly was appointed to the Virginia Board in 2017. He currently serves as chair of the Virginia Board and was previously the chair of the Professional Engineer and Land Surveyor section of the Board in 2018. Mr. Kelly has been a very active and engaged board member reviewing 100s of applications for licensure and serving as a hearing officer at informal fact-finding conferences when needed.

He also represents the APELSCIDLA Board at NCEES zone and annual meetings and he has attended every in person NCEES Annual Meeting and Southern Section meeting since he was appointed to the Virginia Board.

Mr. Kelly served as an elected member of the Williamsburg James City County School Board from 2010 to 2021 (three years as Chair of the Board) and as the President of the Virginia Society of Professional Engineers. He currently serves on the Board of Directors for the New Horizon Education Foundation and the Board of Directors for the Williamsburg James City County Education Foundation.

Mr. Kelly is employed by Newport News Shipbuilding and is responsible for the implementation of major Facilities projects including the construction of the 315 ton goliath gantry crane, demolition of the 310-ton goliath gantry crane, and the design and construction of significant Facilities projects totaling more than \$50 million annually.

Prior to coming to Newport News Shipbuilding, Mr. Kelly was responsible for engineering design and fabrication of lifting structures for recovery of the turret and steam engine from the USS **MONITOR** off Cape Hatteras, NC.

If you need additional information, please contact me at 804-895-2694 or kate.nosbisch@dpor.virginia.gov. The APELSCIDLA Board thanks you for your consideration of our nomination.

Most sincerely,

Kathleen (Kate) R. Nosbisch
Executive Director
Virginia APELSCIDLA Board

KN/bd

➤ Professional Engineers

○ NCEES Update

- Annual Meeting, August 2023
- Vickie Anglin Appointed to the Zone Leadership Committee
- Doyle Allen Appointed to Chair the Nominating Committee
- Andy Zoutewelle NCEES President - Elect Nomination - Emailed February 12, 2023
- Rickborn for NCEES President-Elect - Emailed February 12, 2023
- Southern Zone Assistant Vice President Nomination - Emailed February 14, 2023
- Announcement of Candidacy for 2023 NCEES National Treasurer - Emailed February 16, 2023
- Dr. Sina Nejad, PE, PEng, for Southern Zone Assistant Vice President - Emailed February 17, 2023
- Sina Nejad - NCEES - Emailed February 23, 2023

➤ **Land Surveyors**

- **NCEES Update (as above)**
- **Registration, Exhibits,
Sponsors, Oh My! Sign
up for the VAS
Convention - Emailed
February 23, 2023**

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➤ Architects

○ AIA

○ NCARB Update

- **FY23 NCARB Draft Resolutions - Emailed February 3, 2023**
- **Ed Marley Candidacy for Second Vice President NCARB Board of Directors - Emailed February 12, 2023**
- **Ken Van Tine - Candidate for First Vice President/ President Elect - Emailed February 13, 2023**
- **NCARB Special Edition Fast Facts - Rolling Clock Policy Update - Emailed February 13, 2023**
- **John Patrick Rademacher - Candidacy for Treasurer on the FY 2024 NCARB Board of Directors - Emailed February 14, 2023**
- **Candidacy for FY24 NCARB Secretary - Emailed February 16, 2023**
- **Candidate for FY2024 NCARB Secretary - Emailed February 16, 2023**
- **Candidacy for FY24 Treasurer, NCARB - Emailed February 17, 2023**
- **NCARB is Retiring the Rolling Clock Policy - Emailed February 23, 2023**
- **New Reciprocity Agreement Signed by United States and United Kingdom - Emailed February 24, 2023**
- **Regional Summit - March 2 - 5, 2023**

➤ **Certified Interior Designers**

○ **CIDQ Update**

- **Mark Your Calendars -
Nominations Open March 1,
2023 - Emailed February 23,
2023**
- **Annual Meeting, November
2023**

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- **Regulatory Update**
- **Business Agreements**
- **Statutory/Regulatory Review
Committee**
- **General Assembly Update**

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➤ **Licensed and Certified Population**

As of March 1, 2023

APELSCIDLA Businesses	4,968
Architects	7,714
Professional Engineers	30,628
Land Surveyors	1,215
Land Surveyors B	57
Land Surveyor Photogrammetrists	101
Certified Interior Designers	472
Landscape Architects	949

- **Other Business**
- **Conflict of Interest Forms /**
- Travel Vouchers**
- **Adjourn**

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