

**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 December 8, 2005, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present

Architects

John S Clark, Jr
J Everette Fauber, III
Kenneth A Schwartz

Professional Engineers

Nico De León (arrived at 10 00 a m)
Stanley C Harris, Sr
Wiley V Johnson, III

Land Surveyors

John R McAden
Nancy E McIntyre
W R Stephenson, Jr

Interior Designers

Cameron C Stiles

Landscape Architects

William H Spell
Vaughn B Rinner

Board Member, Carole R Renmark, was not present at the meeting

Staff present for all or part of the meeting were

Louise Fontaine Ware, Director
Karen W O'Neal, Deputy Director of Licensing and Regulation Division (LRD)
Mark N Courtney, Executive Director
Marian H Brooks, Program Administrator
Nick Christner, Deputy Director of Compliance and Investigations Division (CID)
Sharon Sweet, Examinations Administrator
Earlyne Perkins, Legal Assistant
Michelle Gowen, Administrative Assistant

Eric Gregory, Assistant Attorney General, and William Diamond, Senior Assistant Attorney General, were present for part of the meeting

Mr Clark, Chair, called the meeting to order at 9 05 a m

Call to Order

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

Approval of Agenda

Mr Fauber moved to approve the minutes as amended for the following meetings

Approval of Minutes

- September 7, 2005, Informal Fact-Finding Conference (LS),
- September 8, 2005, APELSCIDLA Board Meeting,
- October 13, 2005, Photogrammetry Committee Meeting,
- October 26, 2005, Architects Section Meeting,
- October 31, 2005, Professional Engineers Section Meeting,
- November 8, 2005, Land Surveyors Section Meeting, and
- November 10, 2005, Interior Designers Section Meeting

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

Ms Stiles moved to approve the minutes from the December 6, 2005, Photogrammetry Committee Meeting which were distributed for review at the meeting Mr Fauber seconded the motion which was unanimously approved by members Clark, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles

Mr Clark read the following rules for the public hearing

**Public Hearing on
Proposed
Regulations**

"Good morning ladies and gentlemen I am John Clark and I am the Chairman of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board)

"This is a public hearing held at the Department of Professional and Occupational Regulation, 3600 W Broad Street, Richmond, Virginia This hearing is being held pursuant to §2 2-4007 of the Administrative Process Act of the Code of Virginia for the purpose of receiving public comment on the Board's proposed regulations published in the Virginia Register on Monday, September 19, 2005

"The list of interested parties and organizations which were notified of this process and invited to comment is available upon written request

"The staff of the Department of Professional and Occupational Regulation will prepare a report of all public comment received which will be presented to the Board for consideration of any revisions to the proposed regulations

"Please allow me to introduce the members of the APELSCIDLA Board at this time, they are Ebo Fauber, Architects Section, Ken Schwartz, Architects Section, Vaughn Rinner, Landscape Architects Section, William Spell, Landscape Architects Section, Cameron Stiles, Certified Interior Designers Section, John McAden, Land Surveyors Section, Nancy McIntyre, Land Surveyors Section, Steve Stephenson, Land Surveyors Section, Stanley Harris, Professional Engineers Section and Wiley Johnson, Professional

Engineers Section

"Now I would like to present the rules for this public hearing -

"Comments will be received from any member of the public and initial comments will be limited to a maximum of 5 minutes depending on the number of individuals who wish to speak. If you have not signed up to speak and you wish to give testimony today, please sign your name on the sign up sheet at this time.

"Board members may ask speakers questions to clarify statements. However, this is not the proper forum for questions to the Board. If you have a question for the Board, please forward them in writing, to the Board.

"Any speaker, who wishes to provide a written statement in addition to his oral testimony, or in lieu of oral testimony, may do so until Thursday, December 8, 2005."

Kim Schoenadel, Certified Interior Designer, ASID, spoke to the Board in support of the changes being made to the regulations for Certified Interior Designers, including the addition of the image of the seal for Certified Interior Designers to the regulations.

Pat Stockdon, Certified Interior Designer, spoke to the Board in support of the changes being made to the regulations for Certified Interior Designers, especially the clarification regarding a "professional program approved by the board" in regulations 18 VAC 10-20-460 and 18 VAC 10-20-490.

Mr. Clark read the following: "Thank you for your comments today. The record of the public hearing will be kept open until today, Thursday, December 8, 2005, and written comments will be accepted through 5:00 p.m. today. This hearing is now closed."

Public Comment Period – No comments were made to the Board members.

**Public Comment
Period**

Mr. Clark transferred the position of Chair to Ms. Rinner and recused himself from the meeting.

Transfer of Chair

Regarding File Number 2002-03666, Robert McConnell, the Board members reviewed the Consent Order as seen and agreed to by Mr. McConnell. Mr. Fauber moved to accept the Consent Order which cites the following violations of the Board's 2002 regulations: 18 VAC 10-20-760 B 2 (Count 1) and 18 VAC 10-20-730 B (Count 2). For these violations, Mr. McConnell agrees to pay fines in the amount of \$250.00 for each violation as well as \$150.00 in Board costs for a total monetary penalty of \$650.00. Mr.

**File Number 2002-
03666, Robert
McConnell**

Spell seconded the motion which was unanimously approved by members Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles. As the reviewing Board member, Mr. Clark was not present during the discussion or vote.

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

Regarding **File Number 2005-03067, Suresh Baral**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Baral. Mr. Harris moved to accept the Consent Order which cites the following violations of the Board's 2002 regulations: 18 VAC 10-20-760 B 1 (Count 1), 18 VAC 10-20-760 B 3 (Count 2), and 18 VAC 10-20-790 A 3 (Count 3). Further, the Consent Order imposes the following sanctions: \$150.00 for the violation contained in Count 1, \$150.00 for the violation contained in Count 2, and \$150.00 for the violation contained in Count 3, as well as Board costs in the amount of \$150.00, for a total monetary penalty of \$600.00. Mr. Fauber seconded the motion which was unanimously approved by members Clark, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Transfer of Chair

File Number 2005-03067, Suresh Baral

Regarding **File Number 2005-01497, Robert Thomas**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Thomas. Mr. Stephenson moved to accept the Consent Order which cites the following violations of the Board's regulations: §1 7 (1985 Regulations) (Count 1), §4 13 B 2 (1985 Regulations) (First violation of Count 2), §4 13 B 5 (1985 Regulations) (Second violation of Count 2), §4 13 B 8 (1985 Regulations) (Third violation of Count 2), §1 14 E (1985 Regulations) (Count 3), §5 10 C 2 b (1990 Regulations) (First violation of Count 4), §5 10 C 2 e (1990 Regulations) (Second violation of Count 4), §5 10 C 2 h (1990 Regulations) (Third violation of Count 4), and §10 8 B 6 (1990 Regulations) (Count 5). Further, the Consent Order imposes the following sanctions: \$500.00 for the violation contained in Count 1, \$600.00 for the three violations contained in Count 2, and \$600.00 for the three violations contained in Count 4, for a total monetary penalty of \$1,700.00. In addition, for the violations of Counts 3 and 5, Mr. Thomas agrees to acquire the proper seal. Ms. McIntyre seconded the motion which was unanimously approved by members Clark, Fauber, Harris, Johnson, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles. As the reviewing member, Mr. McAden was not present during the discussion or vote.

File Number 2005-01497, Robert

Regarding **File Number 2005-03643, David Delew**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Delew. Mr. Stephenson moved to accept the Consent Order which cites the following violation of the Board's 2002 Regulations: 18 VAC 10-20-700 D. Further, the Consent Order imposes Board costs in the amount of \$150.00. In addition, for the violation of Count 1, Mr. Delew agrees to complete eight (8) hours of continuing education for Land Surveyors in the subject areas of ethics and/or the Board's regulations and provide proof of attendance and

File Number 2005-03643, David Delew

successful completion within six (6) months of the effective date of the Consent Order Ms McIntyre seconded the motion which was unanimously approved by members Clark, Fauber, Harris, Johnson, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles As the presiding Board member, Mr McAden was not present during the discussion or vote

Regarding File Number 2005-04809, Fred O. Shanks, III, the Board members reviewed the Consent Order as seen and agreed to by Mr Shanks Mr Stephenson moved to accept the Consent Order which cites the following violation of the Board's 2002 Regulations 18 VAC 10-20-710 A Further the Consent Order imposes Board costs in the amount of \$500 00 Ms McIntyre seconded the motion which was unanimously approved by members Clark, Fauber, Harris, Johnson, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles As the reviewing Board member, Mr McAden was not present during the discussions or votes

Mr Courtney and Mr Stephenson gave the Board members a brief overview of the progress on the Photogrammetry Committee meetings Mr Stephenson stated that he hopes that they will be able to complete necessary work at the committee's next meeting on January 12, 2006

Mr Courtney asked the Board members if they would like to nominate Mr Sirine for the NCEES Distinguished Service Award in 2006 Mr Harris moved that the nomination be submitted to NCEES for consideration Mr Stephenson seconded the motion which was unanimously approved by members Clark, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles

Mr Courtney informed the Board that, typically, the last meeting in a year for the full Board is held in December, however, in scheduling the 2006 meetings, this was overlooked Ms Stiles moved that the Board meeting on November 16, 2006, be rescheduled to December 12, 2006 Mr Harris seconded the motion which was unanimously approved by members Clark, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting

The Board members were provided with the Board financial statements from October 2005 for informational purposes

Mr Courtney reminded that Board members that the Financial Disclosure Forms are due back in the Department by December 31, 2005

File Number 5-04809, Fred O. Shanks, III

Report On Photogrammetry Committee

Consideration of Nomination of Wilmer F. Sirine, II for NCEES Distinguished Service Award

Consideration of Rescheduling November 16, 2006 Board Meeting

Comprehensive Report of Compliance & Investigations Division Activity

Review of Financial Statements

Other Business

The Board members were provided with a CD from the Department of Rehabilitation Services entitled *Universal Design Done Affordably*

Mr Schwartz updated the Board on the status of the New American Front Door Design Competition Of the 21 submissions, four finalists were selected and were presented with their prizes by Michael J Schewel, Secretary of Commerce and Trade, and Louise Fontaine Ware on November 3, 2005, at the VSAIA's Architecture Exchange East Among the submissions, there were 10 other projects which deserve a very notable mention Ms Ware gave thanks to all involved with the competition and noted that James Rothrock, Commissioner of the Department of Rehabilitative Services, would like for the competition to continue in years to come

The Board members took a break from 9 50 a m to 10 04 a m

Break

Mr. De Léon arrived at the meeting at 9 58 a m

Arrival of Mr. De Léon

At 10 04 a m , Mr Fauber moved that this meeting be recessed and that the public body immediately reconvene in closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members pertaining to legal matters within the jurisdiction of the public body as permitted by §2 2-3711 A.7 of the *Code of Virginia* This motion is made with respect to the matter identified as agenda item 12 Discussion of Missing NCEES Examination Booklets The following non-members will be in attendance to reasonably aid the consideration of the topic Eric Gregory as Counsel to the Board, William Diamond as Counsel to the Department, Louise Ware, Karen O'Neal, Steven Arthur, Sharon Sweet and Mark Courtney Mr Schwartz seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles

Closed Meeting

At 10 58 a m , Mr Fauber moved to adjourn the closed meeting and immediately reconvene in open meeting Mr Spell seconded the motion which was unanimously approved by members Clark, De Léon, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles

Open Meeting

WHEREAS, the APELSCIDLA Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and

Certification of Closed Meeting

Whereas, §2 2-3712 of the *Code of Virginia* requires a certification by this APELSCIDLA Board that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the APELSCIDLA Board hereby certifies that, to the best of each member's knowledge, (i) only public

business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matter as were identified in the motion convening the closed meeting were heard, discussed or considered by the APELSCIDLA Board

VOTE

AYES Clark, De Léon, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles

NAYS 0

ABSENT Renmark

Sharon Sweet, Examinations Administrator, spoke to the Board members regarding the extension of the examination administration contract

Consideration of Extension of

Ms Rinner brought up a concern of the recent cancellation of the LARE due to inclement weather. The Virginia candidates were not notified of the cancellation until the morning of the exam and a few were not able to be reached. Ms Sweet informed the Board of her conversation with PCS and their conversations with CLARB regarding the LARE. PCS has rescheduled the examination for December 14, 2005, and will notify the candidates. Ms Sweet indicated that she would notify PCS of the Board's concerns regarding their inclement weather policy and the timeframe in which candidates were notified of cancellations.

Administration Contract

The Board members took a break for lunch from 11:13 a.m. to 11:30 a.m. Mr. Courtney provided the Board members with training on specific matters pertaining to the APELSCIDLA Board.

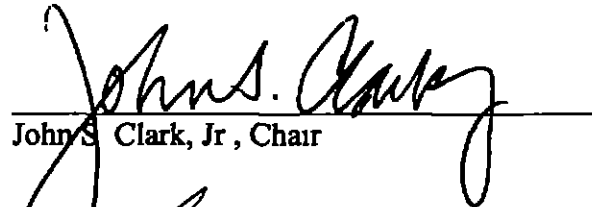
Break Board Member Training

Conflict of Interest forms were completed by all members present.

Conflict of Interest Forms

There being no further business, the meeting was adjourned at 12:14 p.m.

Adjourn



John S. Clark, Jr., Chair



Louise Fontaine Ware, Secretary

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

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

1. Name: John S. Clark, Jr
2. Title Member
3. Agency: APELSCIDLA Board
4. Transaction Board Meeting on December 8, 2005
5. Nature of Personal Interest Affected by Transaction _____

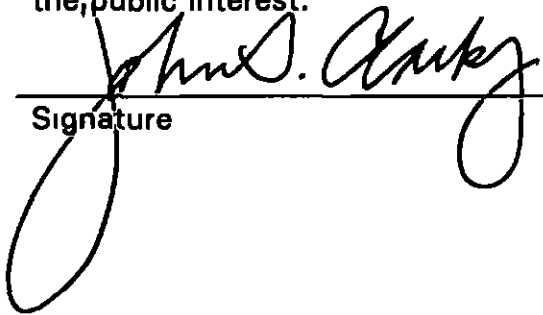
6 I declare that:

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

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

Signature

Date



12.8.05

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

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

- 1 Name: Nancy E. McIntyre
2. Title: Member
- 3 Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 8, 2005
5. Nature of Personal Interest Affected by Transaction _____

6 I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction

SURVEYING

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

Nancy E. McIntyre
Signature

12/8/05
Date

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

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

- 1 Name W. R Stephenson, Jr
2. Title. Member
3. Agency. APELSCIDLA Board
- 4 Transaction: Board Meeting on December 8, 2005
- 5 Nature of Personal Interest Affected by Transaction: _____

6. I declare that.

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

SURVEYING

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

W R Stephenson Jr
Signature

12-8-05
Date

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

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

- 1 Name: Stanley C. Harris
- 2 Title Member
- 3 Agency: APELSCIDLA Board
- 4 Transaction: Board Meeting on December 8, 2005
- 5 Nature of Personal Interest Affected by Transaction: _____

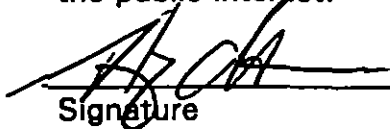
NONE

6 I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction

VSPÉ, ASME

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


Signature

12/8/05
Date

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

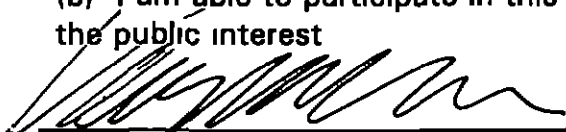
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

- 1 Name Vaughn B. Rinner
2. Title: Member
- 3 Agency. APELSCIDLA Board
4. Transaction: Board Meeting on December 8, 2005
- 5 Nature of Personal Interest Affected by Transaction: _____
-

6 I declare that:

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

(b) I am able to participate in this transaction fairly, objectively, and in the public interest



Signature

12/8/05

Date

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

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

- 1 Name. Kenneth A. Schwartz
2. Title Member
3. Agency APELSCIDLA Board
- 4 Transaction: Board Meeting on December 8, 2005
- 5 Nature of Personal Interest Affected by Transaction: None
-

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction

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

Signature

Date

12/2/05.

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

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

1. Name: Nico De León
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 8, 2005
5. Nature of Personal Interest Affected by Transaction. _____

None

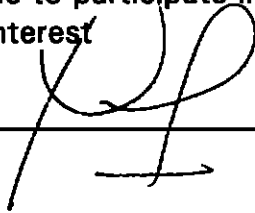
6 I declare that.

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction

Engineering Board

(b) I am able to participate in this transaction fairly, objectively, and in the public interest

Signature



Date

12/8/05

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

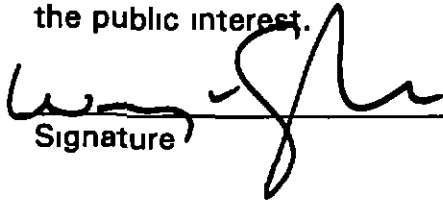
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

- 1 Name. Wiley V Johnson, III
2. Title: Member
3. Agency APELSCIDLA Board
- 4 Transaction: Board Meeting on December 8, 2005
5. Nature of Personal Interest Affected by Transaction. _____

6 I declare that

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

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


Signature

12.8.05
Date

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

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

- 1 Name: J. Everette "Ebo" Fauber, III
- 2 Title: Member
- 3 Agency: APELSCIDLA Board
- 4 Transaction: Board Meeting on December 8, 2005
- 5 Nature of Personal Interest Affected by Transaction _____
_____ **NONE** _____

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction

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


Signature

12-8-5
Date

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

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

- 1 Name: John R McAden
2. Title. Member
3. Agency APELSCIDLA Board
4. Transaction: Board Meeting on December 8, 2005
- 5 Nature of Personal Interest Affected by Transaction: Land Surveying

6. I declare that:

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

Surveyors

(b) I am able to participate in this transaction fairly, objectively, and in the public interest

John R. McAden

Signature

12-8-05

Date

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

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

1. Name: William H. Spell
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on December 8, 2005
5. Nature of Personal Interest Affected by Transaction _____

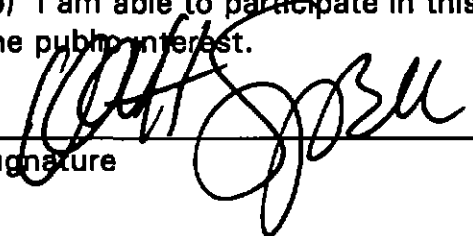
None

6 I declare that

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction

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

Signature



Date

12/8/05

