

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 March 27, 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
Mel Price

Professional Engineers

James Kelly
Vinay Nair
Rick Townsend

Land Surveyors

Doyle Allen
Mike Zmuda

Interior Designers

Caroline Alexander
Cameron Stiles

Landscape Architects

Frank Hancock, III
Ann Stokes

Citizen Members

Karen Reynes

Hypatia Alexandria, Vickie Anglin, April Drake, Steve Kirschner, and Elizabeth Peay were not present at the meeting with regrets.

Staff present for all or part of the meeting were:

Demetrios J. Melis, Director
Kishore Thota, Chief Deputy Director
Tom Payne, CID Deputy Director
Kate Nosbisch, Executive Director
Bonnie Davis, Regulatory Operations Administrator
Breanne Henshaw, Licensing Operations Administrator
Free Williams, Director of Adjudication
Adam Cocker, Legal Analyst, Complaint Analysis and Resolution
Christine Goulding, Legal Analyst, Complaint Analysis and Resolution

Members of the audience:

Mahesh Prasad Adhikari, P.E.
Georg Dahl, Virginia Society of Professional Engineers (VSPE) STEM and Educational
Outreach Lead for Tidewater/Hampton Roads Chapter
David Krisnitiki, P.E., AMT Engineering
Thomas Roberts, P.E., H2R Engineering
Chris Stone, P.E., former Board Member

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

Mr. Kelly, Chair, called the meeting to order at 10:08 a.m.

Call to Order

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

**Emergency
Evacuation**

Ms. Nosbisch announced there is a Statutory/Regulatory Review Committee meeting immediately following the Board meeting. Ms. Nosbisch introduced members of the audience.

Announcements

Mr. Kelly stated that the Board does not have a quorum, but we are expecting one more Board member so the Board will continue with informational items on the agenda.

Mr. Roberts discussed the use of Light Detection and Ranging (LIDAR) data. He stated that maps do not reach the accuracy of LIDAR data. He stated that the dam safety regulations state to use LIDAR data. To reach the accuracy of LIDAR data, the cost of a cross section survey would be astronomical. He requested the Board to reconsider the regulations and the guidance document prohibiting the use of LIDAR.

**Public Comment
Period**

Mr. Krisnitski spoke to the same issue and requested the Board revise the regulation and guidance document during regulatory review.

Ms. Nosbisch informed the Board that she attended the virtual Licensing Summit last week, and that CLARB is a very engaged member in the Alliance for Responsible Professional Licensing (ARPL).

**Landscape
Architect Update**

Ms. Nosbisch stated the Board wishes the best for Mr. Kelly in his nomination as Vice President of the Southern Zone of NCEES. She stated the NCEES update items were provided for informational purposes.

**Professional
Engineer Update**

Ms. Nosbisch indicated that in addition to the NCEES update, the Virginia Association of Surveyors (VAS) items were provided for informational purposes. She stated she will be speaking at the VAS annual meeting on April 15, 2023.

**Land Surveyor
Section Update**

Ms. Nosbisch stated the NCARB information was provided for informational purposes. She noted the changes to the NCARB Rolling Clock Policy.

**Architect Section
Update**

Ms. Stokes arrived at 10:24 a.m.

**Arrival of Board
Member**

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

Certified Interior Designer Section Update

Ms. Davis informed the Board that the fee adjustment regulatory change was submitted to the Governor's Office and the regulatory changes to the professional engineer and land surveyor regulations will be submitted as fast track regulations.

Regulatory Update

Mr. Allen arrived at 10:35 a.m.

Arrival of Board Member

Ms. Nosbisch stated that in 2016 the Board agreed that the Executive Director would review and approve business agreements without technical or moral turpitude issues, and present at the next board meeting and present to the Board for review. The Board also previously agreed to not "piling on" and taking action just because another state had done so. Ms. Nosbisch requested the Board to consider the rationale behind a business agreement. A business agreement places the business on notice that they must follow the regulations and are on probation for one year. Because all businesses must follow the regulations, it seems unnecessary and punitive to request a business agreement. If a business has disciplinary action in another state, it has been resolved, and there is no harm to the health or economic well-being of the public, Board staff could record the information in the licensing database. For any technical or moral turpitude issue, Ms. Nosbisch will consult with the Chair to determine if the matter should be just recorded in the licensing database or forwarded to Compliance and Resolution for further investigation. The Board agreed by consensus to the change.

Business Agreements

Ms. Nosbisch stated the Committee consists of a representative from each profession, plus a citizen member. The line-by-line review will begin with the statutes, and then move to the regulations. The Committee will be meeting today following the Board meeting.

Statutory / Regulatory Review Committee

Director Melis provided information on the Universal Licensing Recognition. He stated that the individuals working in a state that does not license or certify that profession may be eligible for licensure or certification in Virginia provided they have worked in the profession for three years and pass any examination required by the Board. It was noted the professional engineers, architects, land surveyors, and landscape architects are exempt from this regulation. Mr. Kelly stated that licensure is based on experience, education, and examination.

General Assembly Update

Having a quorum present, Ms. Stokes moved to approve the agenda. Mr. Zmuda

Approval of

seconded the motion which was unanimously approved by: Alexander, Allen, Colley, Hancock, Kelly, Nair, Price, Reynes, Stiles, Stokes, Townsend, and Zmuda.

Agenda

Ms. Stokes moved to approve the February 8, 2023 Board meeting minutes. Ms. Stiles seconded the motion which was approved by: Alexander, Allen, Colley, Hancock, Kelly, Nair, Price, Reynes, Stiles, Stokes, Townsend, and Zmuda.

Approval of Minutes

Mr. Kelly passed the gavel to Ms. Reynes to chair the meeting for the disposition of the next case on the agenda.

Change of Chair

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

Recusal of Board Member

Regarding **File Number 2022-00392, Mahesh Prasad Adhikari**, 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 2022-00392, Mahesh Prasad Adhikari

Mr. Adhikari was present at the meeting and informed the Board he had new information to present to the Board. Due to the new information, Ms. Nobsich inquired if the Board wished to remand the file back for a new Informal Fact Finding conference. Mr. Allen moved to remand the file to a new Informal Fact Finding Conference. Ms. Price seconded the motion which was approved by: Alexander, Allen, Colley, Hancock, Nair, Price, Reynes, Stiles, Stokes, and Townsend.

Mr. Kelly and Mr. Zmuda returned to the meeting.

Return of Board Members

Regarding **File Number 2023-00167, John Claiborne Lewis**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Lewis.

File Number 2023-00167, John Claiborne Lewis

Ms. Stiles moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-740.B.4 (Count 1). For this violation, Mr. Lewis agrees to pay the following monetary penalties: \$500.00 for the violation contained in Count 1 and \$150.00 in Board costs, for a total monetary penalty of \$650.00. Mr. Colley seconded the motion which was unanimously approved by members: Alexander, Allen, Colley, Hancock, Kelly, Nair, Price, Reynes, Stiles, Stokes, Townsend, and Zmuda.

The licensee counts as of March 1, 2023:

Licensed and Certified

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

Population

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

Financial Statements

There was no other business.

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 10:48 a.m.

Adjourn


James Kelly, Chair


Demetrios J. Melis, Secretary

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

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

- 1. Name: Tim Colley
- 2. Title: Board Member
- 3. Agency: Architects Section/APELSCIDLA Board
- 4. Meeting/IFF Date: APELSCIDLA Board Meeting March 27, 2023

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

Nature of Personal Interest Affected by Transaction:

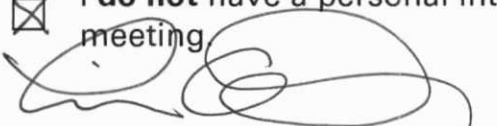
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

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



Signature

3-27-23

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: Mel Price
- 2. Title: Board Member
- 3. Agency: Architects Section/APELSCIDLA Board
- 4. Meeting/IFF Date: APELSCIDLA Board Meeting March 27, 2023

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

Nature of Personal Interest Affected by Transaction:

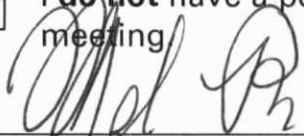
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

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



Signature

03/27/23

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: James L. Kelly
2. Title: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: APELSCIDLA Board Meeting March 27, 2023

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

Nature of Personal Interest Affected by Transaction:


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

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

or

I did not participate in the transaction.

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



Signature

3/27/23

Date

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

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

1. Name: Vinay Nair
2. Title: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: APELSCIDLA Board Meeting March 27, 2023

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

N/A

Nature of Personal Interest Affected by Transaction:

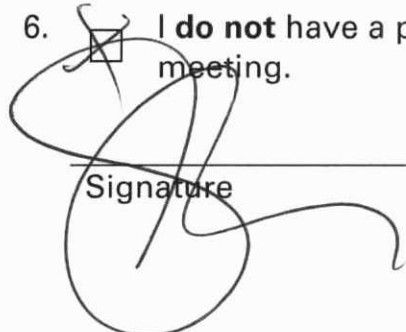
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

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


Signature

3.27.2023
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Frederick Townsend
2. Title: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: APELSCIDLA Board Meeting March 27, 2023

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

Nature of Personal Interest Affected by Transaction:

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

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

or

I did not participate in the transaction.

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



Signature

3-27-23
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: Doyle B. Allen
- 2. Title: Board Member
- 3. Agency: Land Surveyors Section/APELSCIDLA Board
- 4. Meeting/IFF Date: APELSCIDLA Board Meeting March 27, 2023

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

Nature of Personal Interest Affected by Transaction:

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

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

or

I did not participate in the transaction.

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

Signature

Doyle B. Allen

Date

3/27/23

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Mike Zmuda
2. Title: Board Member
3. Agency: Land Surveyors Section/APELSCIDLA Board
4. Meeting/IFF Date: APELSCIDLA Board Meeting March 27, 2023

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

Nature of Personal Interest Affected by Transaction:

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

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

or

I did not participate in the transaction.

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


Signature

 3/27/23
Date

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

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

1. Name: Caroline Alexander
2. Title: Board Member
3. Agency: Interior Designers Section/APELSCIDLA Board
4. Meeting/IFF Date: APELSCIDLA Board Meeting March 27, 2023

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

Nature of Personal Interest Affected by Transaction:

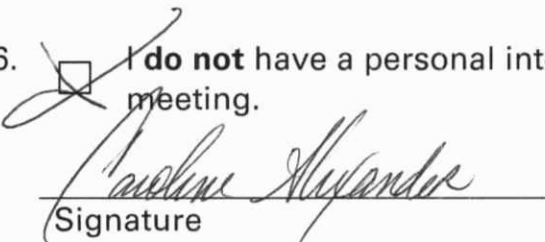
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

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


Signature

3/27/23
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: Cameron Stiles
- 2. Title: Board Member
- 3. Agency: Interior Designers Section/APELSCIDLA Board
- 4. Meeting/IFF Date: APELSCIDLA Board Meeting March 27, 2023

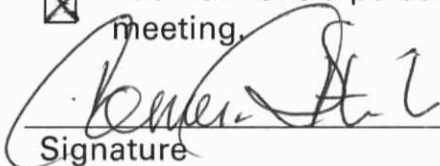
5. I have a personal interest in the following transaction:

Nature of Personal Interest Affected by Transaction:

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

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or**
- I did not participate in the transaction.

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


Signature

3/27/23
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Frank Hancock, III
2. Title: Board Member
3. Agency: Landscape Architects Section/APELSCIDLA Board
4. Meeting/IFF Date: APELSCIDLA Board Meeting March 27, 2023

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

NONE

Nature of Personal Interest Affected by Transaction:

N/A

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

N/A

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

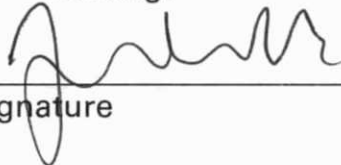
or

I did not participate in the transaction.

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

Signature

Date



3/27/23

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Ann Stokes
2. Title: Board Member
3. Agency: Landscape Architects Section/APELSCIDLA Board
4. Meeting/IFF Date: APELSCIDLA Board Meeting March 27, 2023

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

Nature of Personal Interest Affected by Transaction:

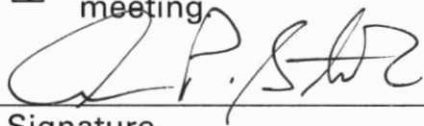
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

or

I did not participate in the transaction.

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



Signature

3.27.2023

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Karen Reynes
2. Title: Board Member
3. Agency: APELSCIDLA Board
4. Meeting/IFF Date: APELSCIDLA Board Meeting March 27, 2023

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

N/A

Nature of Personal Interest Affected by Transaction:

N/A

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

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

or

I did not participate in the transaction.

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


Signature

3-27-2023
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

- 1. Name: Christopher Stone
- 2. Title: Subject Matter Expert
- 3. Agency: APELSCIDLA Board
- 4. Meeting/IFF Date: APELSCIDLA Meeting March 27, 2023

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

Nature of Personal Interest Affected by Transaction:

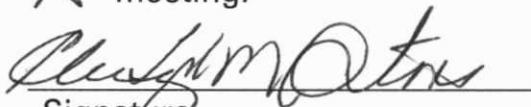
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

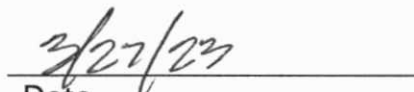
or

I did not participate in the transaction.

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



Signature



Date