

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 May 8, 2024, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia.

Members present for all or part of the meeting:

Architects

Tim Colley
Helene Dreiling

Professional Engineers

James Kelly
Vinay Nair
Rick Townsend

Land Surveyors

Vickie Anglin
John Claytor
Kevin Shreiner

Interior Designers

Caroline Alexander
Catherine Christian Stanley

Landscape Architects

Susan Dibble

Citizens

Troy Arnold III
Justina Vasquez

Members absent from the meeting with regrets:

Architects

Erik Bootsma

Landscape Architect

Ann Stokes

Staff present for all or part of the meeting were:

Lizbeth Casco White, Deputy Secretary of Labor
Kishore S. Thota, Director
Brian Wolford, Deputy Director
Steve Kirschner, LRPD Deputy Director
Kate Nosbisch, Executive Director
Bonnie Davis, Regulatory Operations Administrator
Ecila Williams, Licensing Operations Administrator
Tom Payne, Deputy Director- Compliance and Investigation Division
Greg Emerson, Executive Director- Examinations
Jennifer Sayegh, Policy and Legislative Affairs Manager
Latichia Logan, Legal Analyst- Compliance Analysis & Resolution

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

Members of the audience:

Georg Dahl, Virginia Society of Professional Engineers (VSPE) STEM and Educational Outreach Lead for Tidewater/Hampton Roads Chapter

Dixon Tucker, Virginia Society of Professional Engineers (VSPE)

Tom Witt, Virginia Transit Construction Alliance

Mr. Kelly, Chair, finding a quorum present, called the meeting to order at 10:06 a.m.

Call to Order

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

Emergency Evacuation

Ms. Nosbisch welcomed Deputy Secretary White as a guest. The Board members and staff introduced themselves. Ms. Nosbisch introduced guests and staff of the audience.

Welcome/Introductions

Ms. Dreiling moved to approve the agenda with an amendment. Mr. Arnold seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Claytor, Colley, Dreiling, Dibble, Kelly, Nair, Shreiner, Stanley, Townsend and Vasquez.

Approval of Agenda

Ms. Alexander moved to approve the minutes for the following date:

Approval of Minutes

- APELSCIDLA Board Meeting, November 1, 2023

Mr. Claytor seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Claytor, Colley, Dreiling, Dibble, Kelly, Nair, Shreiner, Stanley, Townsend and Vasquez.

There was no public comment.

Public Comment Period

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

Recusal of Board Member

Regarding **File Number 2024-00509, Carl Edward Duncan**, the Board members reviewed the Consent Order as seen and agreed by Mr. Duncan

File Number 2024-00509 Carl Edward Duncan

Ms. Anglin moved to accept the consent order which cites the following violations of the Board's Regulations: 18 VAC 10-20-790.4 (Count 1) and 18 VAC 10-20-790.9 (Count 2). For thus violations, it was recommended that Mr. Duncan pay the following monetary penalties: \$1,300.00 for the violation

contained in Count 1, \$200.00 for the violation contained in Count 2 and \$150.00 in Board costs, for a total monetary penalty of \$1,650.00. Ms. Dibble seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Claytor, Colley, Dreiling, Dibble, Kelly, Nair, Shreiner, Stanley and Vasquez.

Mr. Townsend returned to the meeting.

Return of Board Member

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

Recusal of Board Member

Regarding **File Number 2024-00081, Blew & Associates PA**, the Board members reviewed the Consent Order as seen and agreed by Mr. Buckley Blew.

File Number 2024-00081 Blew & Associates PA

Ms. Dibble moved to accept the consent order which cites the following violations of the Board's Regulations: 18 VAC 10-20-790.9 (Count 1) and 18 VAC 10-20-790.10 (Count 2). For thus violations, it was recommended that Mr. Blew pay the following monetary penalties: \$150.00 in Board costs, for a total monetary penalty of \$150.00. Ms. Dreiling seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Claytor, Colley, Dreiling, Dibble, Nair, Shreiner, Stanley, Townsend and Vasquez.

Regarding **File Number 2024-01167, David James**, 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 2024-01167 David James

Mr. Nair moved to accept the recommendation of the presiding officer and deny Mr. James's application for a Professional Engineer license by examination. Mr. Shreiner seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Claytor, Colley, Dreiling, Dibble, Nair, Shreiner, Stanley, Townsend and Vasquez.

Regarding **File Number 2024-01650, Nathaniel Oliver Rodriguez-Fuller**, 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 2024-01650 Nathaniel Oliver Rodriguez-Fuller

Mr. Nair moved to accept the recommendation of the presiding officer and deny Mr. Rodriguez-Fuller's application for a Professional Engineer license by examination. Ms. Alexander seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Claytor, Colley, Dreiling, Dibble, Nair, Shreiner, Stanley, Townsend and Vasquez.

Regarding **File Number 2024-01654, Michael Robert Lipps**, 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 2024-01651 Michael Robert Lipps

Ms. Nosbisch read a statement that was emailed to the Board from Mr. Lipps stating that he would not be present at the meeting.

Ms. Dreiling moved to accept the recommendation of the presiding officer and approve Mr. Lipps's application for a Professional Engineer license by examination. Mr. Townsend seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Claytor, Colley, Dreiling, Dibble, Nair, Shreiner, Stanley, Townsend and Vasquez.

Mr. Kelly returned to the meeting.

Return of Board Member

Ms. Nosbisch informed the Board that voting delegates, Mr. Colley and Ms. Dreiling, for the NCARB 2024 Annual Meeting needed to be approved by the Board.

NCARB Voting Delegates for 2024 Annual Meeting

Ms. Anglin moved to accept Mr. Colley and Ms. Dreiling as voting delegates for the NCARB 2024 Annual Meeting. Mr. Arnold seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Claytor, Colley, Dreiling, Dibble, Kelly, Nair, Shreiner, Stanley, Townsend and Vasquez

Ms. Anglin thanked both Mr. Colley and Ms. Dreiling for representing the Board at NCARB.

Mr. Emerson presented to the APELS Exam Statistics from March 2021 to April 2024 for informational purposes.

Examination Director Report

Ms. Nosbisch stated the Executive Director Report was provided for informational purposes only.

Executive Director Report

Ms. Davis informed the Board that fee adjustments are at the proposed stage in Executive Branch review along with the general regulatory review, the NOIRA.

Regulatory Update

Ms. Davis informed the Board that the Professional Engineers/ Land Surveyors fast-track items are in the process to be filed.

APELSCIDLA
Guidance
Documents

Ms. Davis informed the Board that the Agency is currently revamping all guidance documents to determine if they need to be retained, amended or repealed.

Ms. Davis stated to the Board that the APELSCIDLA guidance document Requirements for the Uses of Topographic Surveys, Orthographic Maps or other Geospatial Data in Virginia needed to be reviewed.

Ms. Anglin moved to retain the guidance document as is. Mr. Claytor seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Claytor, Colley, Dreiling, Dibble, Kelly, Nair, Shreiner, Stanley, Townsend and Vasquez.

Ms. Davis stated to the Board that the APELSCIDLA guidance document Onsite Sewage Systems Designed by PE's and Onsite Soil Evaluators needed to be reviewed.

Ms. Anglin moved to retain the guidance document as is. Mr. Colley seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Claytor, Colley, Dreiling, Dibble, Kelly, Nair, Shreiner, Stanley, Townsend and Vasquez.

Ms. Davis stated to the Board that the APELSCIDLA guidance document Comity Applicant Criteria of the Board's Current Regulations needed to be reviewed.

Ms. Anglin moved to retain the guidance document as is. Mr. Claytor seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Claytor, Colley, Dreiling, Dibble, Kelly, Nair, Shreiner, Stanley, Townsend and Vasquez.

Ms. Davis stated to the Board that the APELSCIDLA guidance document Land Surveyor Scope of Practice needed to be reviewed.

Ms. Anglin moved to retain the guidance document as is. Mr. Claytor seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Claytor, Colley, Dreiling, Dibble, Kelly, Nair, Shreiner, Stanley, Townsend and Vasquez.

Ms. Davis stated to the Board that the APELSCIDLA guidance document Property lines along public roads without recorded dee simple right of way needed to be reviewed.

Ms. Anglin moved to retain the guidance document as is. Mr. Shreiner seconded

the motion which was unanimously approved by: Alexander, Anglin, Arnold, Claytor, Colley, Dreiling, Dibble, Kelly, Nair, Shreiner, Stanley, Townsend and Vasquez.

Ms. Davis informed the Board that one public comment was received during the periodic review of the regulations regarding 18 VAC 10-20-740.F and was presented to the Board on November 1, 2023, however the comment was not discussed and was moved to the November 16, 2024 Regulatory Review Committee meeting and later moved to the January 9, 2024 Regulatory Review Committee meeting. Due to the comment not being discussed during the January 9, 2024 meeting, the comment needed to be reviewed by the Board.

Public Comment 18
VAC 10-20

After a brief discussion, Ms. Anglin moved to accept the response “The Board thanks the commenter for this information. The Board will take these concerns into consideration during its comprehensive review of the regulations it is conducting as a result of Executive Directive #1.” Mr. Colley seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Claytor, Colley, Dreiling, Dibble, Kelly, Nair, Shreiner, Stanley, Townsend and Vasquez.

Ms. Sayegh informed the Board that HB 350 passed in the 2024 session of the General Assembly and has been signed by the Governor. This bill impacts the quorum requirements and removes the need for the Board’s signatures on wall certificates and will be enacted on July 1, 2024, and sunsets on July 1, 2026, at which time it will be reevaluated.

General Assembly
Update

Ms. Nosbisch informed the Board that Professional Engineers/Land Surveyor board members and VDOT were unable to find a date to meet prior to this meeting. The Board further discussed this matter and requested Ms. Nosbisch to prepare a draft letter to VDOT for review at its August 21, 2024, meeting.

Entrusted Engineer
in Charge with
VDOT Update

The Board took a recess from 11:30 a.m. to 11:36 a.m.

Recess

Ms. Dibble exited the meeting at 11:30 a.m.

Departure of Board
Member

Ms. Alexander shared a “A Day in the Life of a Certified Interior Designer” presentation to the Board and DPOR staff.

A Day in the Life of
a Certified Interior
Designer

Ms. Nosbisch stated the CLARB update items was provided for informational purposes.

Landscape
Architect Update

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

Professional Engineer Update

Mr. Kelly and Ms. Nosbisch informed the Board about the UK/NCEES Mutual Recognition Agreement meeting in Richmond, Virginia in April with the UK Envoy. The UK/NCEES Mutual Recognition Agreement will be signed at the NCEES Annual Business Meeting dated for August 2024 in Chicago, Illinois.

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

Land Surveyor Section Update

Mr. Shreiner gave a brief update on the VAS Annual Convention which he attended.

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

Architect Section Update

Ms. Nosbisch recognized Mr. Colley for winning the contested election for Secretary of NCARB Region 2.

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

Certified Interior Designer Section Update

The licensee counts as of April 1, 2024:

APELSCIDLA Businesses	4,141
Architects	7,751
Professional Engineers	31,245
Land Surveyors	1,229
Land Surveyors B	56
Land Surveyor Photogrammetrists	93
Certified Interior Designers	467
Landscape Architects	984

Licensed and Certified Population

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

Financial Statements

Hope Larson, Director of Finance, will be extended an invitation for the next board meeting to provide in depth budgetary information.

Ms. Nosbisch introduced a memo to the Board for Reconsideration of Case Decision, requesting the Board to delegate responsibility of addressing

Other Business

reconsiderations to the Board's Executive Director, in accordance with the provisions outlined in Section 2.2-402.1 Code of Virginia, which enables a party to submit a petition seeking reconsideration of a final decision by an agency pursuant to section 2.2-4020. The Board, no longer having a quorum, will take this matter up at the next board meeting on August 21, 2024.

Ms. Nosbisch informed the Board that she received an email from Rob McGinnis, from the Virginia Department of Agriculture and Consumer Services HB 2960 was approved on March 22, 2023, which, by its interpretation, will require all persons specifying plants including landscape architects, architects, professional engineers, and others to comply with the regulation. The draft regulation will be transmitted to state agencies for comment.

Ms. Nosbisch informed the Board that it was Public Service Week and thanked the Board and DPOR staff for their service.

Deputy Secretary White thanks the Board and DPOR staff for their service and for extending the invitation to the Board meeting.

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 12:35 p.m.

Adjourn

James Kelly, Chair

Kishore S. Thota, Secretary