

**REGULATORY REVIEW COMMITTEE OF THE APELSCIDLA BOARD  
MEETING MINUTES**

The Regulatory Review Committee of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects met on October 25, 2002, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

M. Lou Barnett  
John M. Elkin, Jr.  
Stanley C. Harris  
Ralph B. Higgins  
David L. May, Jr.

Former Professional Engineers Section Member James K. Lowe, Jr., was present as an advisory member.

Staff present for all or part of the meeting were:

Karen W. O'Neal, Deputy Director of Regulatory Programs  
Mark N. Courtney, Assistant Director  
Marian H. Brooks, Regulatory Board Administrator  
Trisha L. Henshaw, Administrative Assistant

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

Mr. Higgins, Chair, called the meeting to order at 9:10 a.m.

**Call to Order**

Mr. Elkin moved to approve the agenda as written. Ms. Barnett seconded the motion which was unanimously approved by members: Barnett, Elkin, Harris, Higgins, and May.

**Approval of  
Agenda**

Duncan Abernathy, representative of the Virginia Society of the American Institute of Architects, spoke to the Committee members regarding public entities that are requiring a professional to provide free design services during the procurement process. Mr. Abernathy requested that the Committee include a regulation regarding this issue. Mr. Abernathy also suggested a clarifying change to 18 VAC 10-20-720.1 of the draft regulations. Additionally, Mr. Abernathy discussed a letter he sent to the Board dated September 11, 2002, regarding the practice of interior design and landscape architecture by businesses registered with the Board to provide other professional services. Mr. Abernathy pointed out several other sections of the regulations, not referenced in his September 11, 2002,

**Public Comment  
Period**

letter, that are related to this issue.

The Committee recessed for a break from 10:15 a.m. to 10:27 a.m.

**Break**

The Committee members reviewed the draft regulations as revised during the last Committee meeting. Additionally, the Committee members were provided with a chart that provided the occurrences in the draft regulations of the following terms: "bona fide employee," "direct control and personal supervision," and "responsible charge." The Committee reviewed these terms to ensure consistency in their use and applicability with the definitions. As Mr. Lowe provided a draft without use of the term "bona fide employee," the Committee agreed by consensus to remove that term from the draft regulations. The Committee made various other changes and recommendations to the draft regulations.

**Review Regulations  
and Statutes**

During the review of the draft regulations, Ms. Barnett made a motion to remove draft regulation 18 VAC 10-20-760.B.7 which required a disclaimer statement to be added to documents prepared by certified interior designers. Mr. Elkin seconded the motion which was approved by the following members: Barnett, Elkin, and Higgins. The following members voted in opposition to the motion: Harris and May. The motion passed with a majority vote and the referenced section was removed from the draft regulations.

The Committee recessed for lunch from 12:02 p.m. to 12:22 p.m.

**Lunch**

As one of the Committee's charges was to examine the Board's statutory language for possible changes related to the definition of the practice of land surveying, Mr. Elkin moved that the Committee endorse the draft statutory change as reviewed at a previous meeting of the Committee, which would amend § 54.1-400 of the Code of Virginia to change "and" to "or" in the definition of "practice of land surveying" and to give the Board the authority to sub-regulate,. Mr. May seconded the motion which was approved by members: Barnett, Elkin, Harris, Higgins, and May.

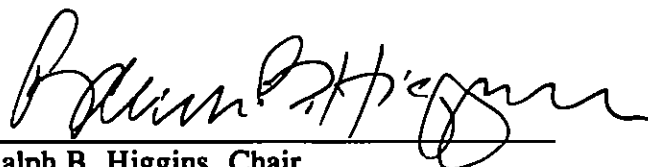
**Other Business**

Conflict of Interest forms were completed by all members present.

**Conflict of Interest  
Forms**

There being no further business, the meeting was adjourned at 1:42 p.m.

**Adjourn**



Ralph B. Higgins, Chair



Louise Fontaine Ware, Secretary

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