

**PROFESSIONAL ENGINEER & LAND SURVEYOR
SECTION MEETING**

MINUTES

The Professional Engineer and Land Surveyor Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 9, 2019, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Doyle B. Allen (LS)
Vickie Anglin (LS)
James Kelly (PE)
Vinay Nair (PE)
Christopher M. Stone (PE)
Michael Zmuda (LS)

Staff present for all or part of the meeting were:

Mary Broz-Vaughan, Acting Director
Kathleen (Kate) R. Nosbisch, Executive Director
Bonnie Davis, Administrative Assistant

Elizabeth Peay, Assistant Attorney General, was present from the office of the Attorney General.

Members of the Public present for all or part of the meeting were:

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

Ms. Anglin, Chair, called the meeting to order at 10:03 a.m.

Call to Order

Ms. Anglin advised the Section members of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Kelly moved to approve the agenda. Mr. Zmuda seconded the motion which was unanimously approved by members: Allen, Anglin, Kelly, Nair, Stone and Zmuda.

**Approval of
Agenda**

There was no public comment.

**Public Comment
Period**

The Board discussed the need for an apprenticeship outline to direct applicants on how to become an apprentice at its meeting on December 5, 2018 and referred the outline to the PE-LS Section meeting today. Ms. Davis was recognized for her work on the draft outline which was reviewed and approved by the Section, and will be placed on the full Board meeting agenda for final approval on June 11, 2019.

**Virginia Surveyor
Apprenticeship
Standards Outline**

The Board discussed why sponsors opt out of being listed on the Department of Labor and Industry (DOLI) website and how the Board knows that DOLI has everything they need for an approved program at its meeting on December 5, 2018 and referred the both items to the PE-LS Section meeting. DOLI's response stated that the DOLI apprenticeship sponsorship listing on the web is voluntary. Ms. Anglin stated she spoke with non-listed sponsors in her area and they did not understand why they were not listed. Ms. Anglin also noted that DOLI stated an addition 90 hours was needed. The Board understood the program was approved in September 2018. Ms. Anglin stated a local DOLI rep declined to sign up one of her staff to the apprenticeship program. Ms. Nosbisch stated a timeline indicating previous meetings and program approvals will be developed for the full Board meeting agenda for June 11, 2019. Staff will request DOLI clarify how providers opt in/opt out of being listed as sponsor on the DOLI website. Staff at DOLI have recently indicated the program still doesn't meet requirements.

**DOLI/ Land
Surveyor
Apprenticeship
Program**

At the March 12, 2019, the Board requested staff draft a letter regarding the selling of data for design purposes. Ms. Peay suggested regulatory reference be cited in the letter. A revised draft letter will be placed on the full Board meeting agenda for June 11, 2019.

**Drone Companies
Selling Data for
Design Purposes
Letter**

Mr. Allen stated the guidance document is referencing a Section of Virginia Department of Transportation's (VDOT) Code. The Section was advised that the APELSCIDLA Board cannot provide a guidance document on another agency's code. Mr. Stone moved to rescind the guidance document; ask VDOT if they are willing to issue an Internal Memorandum (IM) regarding 33.1-105; use this guidance document and reference the APELSCIDLA regulations in the guidance document; and/or change our regulations during public comment. Mr. Kelly seconded the motion which was unanimously approved by members: Allen, Anglin, Kelly, Nair, Stone and Zmuda.

**Guidance
Document on §
33.1-105 Evidence
as to Existence of
a Public Highway**

Ms. Nosbisch stated the Land Surveyor's exam statistics had been reviewed at the February 5, 2019 PE-LS meeting; the only new information is the April statistics. While presenting at the Virginia Association of Surveyors Annual meeting on April 26, 2019, a member of the audience requested pass rate information. Ms. Nosbisch stated she will share the LS Exam pass rates to VAS.

LS Exam Update

Ms. Anglin read Governor Ralph Northam's Proclamation regarding the March 17-23, 2019 Surveyors Week in the Commonwealth of Virginia:

**LS Week
Proclamation**

WHEREAS, the role of the surveyor has been, and remains, of vital importance in the development of the United States and to our private property rights; and
WHEREAS, surveying requires both fieldwork and indoor work, in order to measure, maintain, monitor, verify, validate, and regulate boundaries of land, economic assets, and other properties; and
WHEREAS, since the colonial era, surveyors have been statesmen, leaders in the community, and influential citizens; and
WHEREAS, former surveyors include George Washington, Thomas Jefferson, and Abraham Lincoln; and
WHEREAS, surveyors remain essential to the development of the United States

and the Commonwealth of Virginia today; and
WHEREAS, Virginia is home to more than 1,200 licensed surveyors; and
WHEREAS, Surveyors Week is an opportunity to recognize the historic contributions of surveying, and appreciate the new technologies that are constantly modernizing the profession;
NOW, THEREFORE, I, Ralph S. Northam, do hereby recognize March 17-23, 2019, as SURVEYORS WEEK in our COMMONWEALTH OF VIRGINIA, and I call this observance to the attention of all our citizens.

Ms. Nobsch and the Land Surveyors Section provided a four-hour Town Hall presentation at the Virginia Association of Surveyors Annual convention on April 26, 2019. She stated the presentation was well received and the Section was asked back for next year. Ms. Nobsch congratulated Mr. Gardy who received two awards for plats. Ms. Anglin provided a presentation on April 25, 2019 called "2022 and You; a Surveyor's Perspective on Implementation"; change management and practical concerns implementing the new datum. At today's meeting, a discussion took place regarding new regulations for the 2022 datums. Regulations need to be in place by 2022 for consistency. They will also affect the counties' regulations. Ms. Anglin will provide the language from VAS once it is finalized.

VAS Presentation Update

Mr. Allen reported that with pending changes on the national exam from NCEES, the Board may be able to do away with a large portion of the Virginia State Specific Exam. The Section determined to wait for the changes at NCEES before deciding on how the State Specific Exam will be impacted.

It was noted that House Bill 1649 Boundary agreement, local; locality allowed to attach to their petitions to circuit court a GIS map was signed into law. Ms. Broz Vaughan requested Ms. Peay's interpretation of whether Virginia Code Title 15.2 and HB1649 were in conflict with each other as there is no consensus a conflict exists. Ms. Peay stated HB1649 becomes effective July 1, 2019, and if it is in conflict with Code 15.2, we must figure out how to make them work together. It was noted that when it is determined a bill is in conflict, it is typically taken up with the patron of the bill to be addressed in the next General Assembly.

A discussion took place regarding contractors using GPS – Party Chiefs setting up 3D models. Mr. Allen stated that Global Positioning System (GPS) is regulated. He stated locating physical improvements is a regulated activity. The skill set is in question. It was noted that nothing can be done until a complaint is filed with DPOR.

There was a concern with the computer based testing (CBT) PE exam at NCEES, that an applicant could take the PE exam without pre-approval from the Board. To date, this has not occurred, and taking the exam does not guarantee licensure; all requirements must be met.

Taking PE Exam without Pre-Approval

The article was provided for informational purposes.

Wireless Site Project Plans with Stolen PE Stamps?

Jonathan L. Kramer, on March 24, 2019 on Wireless Siting and Law

The Section recessed from 11:54 a.m. until 12:02 p.m.

Recess

Ms. Nosbisch met with Complaint Analysis & Resolution (CAR) and the Investigations Section and shared the following information with the Section: 42 complaints had been received between July 1, 2018 and April 24, 2019. 23 cases were closed by CAR; 19 were sent to Investigations; of those 19, nine open cases had technical review, 10 were closed (8 without technical review and 6 of the 8 were continuing education related.)

Complaints without Board Member Review

The Section reviewed the 2020 meeting dates. The information will be placed on the full Board meeting agenda for June 11, 2019.

2020 PE-LS Meeting Dates

Ms. Nosbisch stated the proposed changes to the Bylaws will be voted on at the NCEES Annual meeting in August.

NCEES Updates

The Section reviewed the candidates for Southern Zone Assistant Vice President.

Mr. Allen stated he attended the NCEES Northeast and Central Zone meeting last weekend. He stated that the task force is conducting a study on moving to five divisions of the PS exam where each division will be scored separately. He stated the idea was well received and had positive feedback. If this moves forward, Virginia may eventually consider deleting the State Specific Exam, and look at potentially a home exam or online exam.

NCEES funded delegates will be Ms. Nosbisch, Mr. Zmuda, and Ms. Anglin. Mr. Nair, Ms. Alexandria, and Ms. Reynes will advise Ms. Nosbisch whether they are able to attend as a First Time Attendees. Mr. Stone will be self-funded; Mr. Allen will be funded by Colonial States Boards of Surveyor Registration.

Ms. Anglin reviewed the licensee counts as of April 1, 2019: Engineers 29,185; Land Surveyors 1279; Land Surveyors B 70; Land Surveyor Photogrammetrists 120.

License Counts

The Section noted that the University of Maryland course requirements for a BS degree in Public Safety Administration would not satisfy Virginia's requirements for an individual to sit for the PE exam to become licensed as a Fire Protection Engineer. The Section also noted that the University of Maryland course requirements for a BS degree in Environmental Management would not satisfy Virginia's requirements for an individual to sit for the PE exam to become licensed as a Professional Engineer.

Other Business

The Section reviewed the use of Now or Formerly (N/F) on boundary plats. It was noted that N/F is not used with current owner of subject property, but it is

commonly used with adjoining property because the adjoining properties can change owners between the surveyor's research and the recordation. It was also noted that localities' requirements may be above and beyond the regulations.

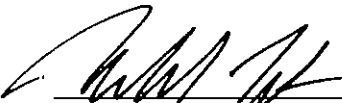
Ms. Nosbisch reported that in the National Society of Professional Engineers magazine there was an article about the Massachusetts pipeline fire. She stated Governor Baker signed emergency legislation requiring licensed Professional Engineers sign and seal plans for utility work before it's done, rather than leaving the review to people with engineering backgrounds who are uncertified.

Conflict of Interest forms and travel vouchers were completed by all Section members present.

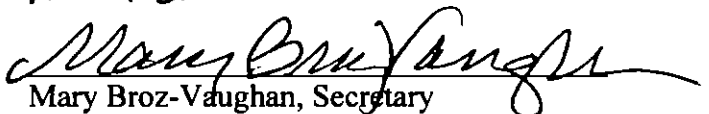
**Conflict of
Interest / Travel
Vouchers**

There being no further business, the meeting was adjourned at 12:42 p.m.

Adjourn



Vickie Angler, Chair
Michael Zurda



Mary Broz-Vaughan, Secretary

**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: PE-LS Section Meeting, May 9, 2019
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.

Doyle B. Allen
Signature

5/9/19
Date

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

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

1. Name: James Kelly
2. Title: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: PE-LS Section Meeting, May 9, 2019

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.

James L. Kelly
Signature

5/9/19
Date

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

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

1. Name: Vickie Anglin
2. Title: Board Member
3. Agency: Land Surveyors Section/APELSCIDLA Board
4. Meeting/IFF Date: PE-LS Section Meeting, May 9, 2019
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:

Land Surveyors

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.

V. M. Anglin
Signature

5/9/19
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: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: PE-LS Section Meeting, May 9, 2019

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

Nature of Personal Interest Affected by Transaction:

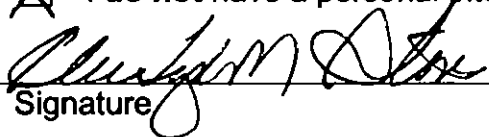
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

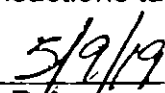
I am able to participate in this transaction fairly, objectively, and in the public interest.

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

**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: PE-LS Section Meeting, May 9, 2019
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

Date

5/9/19

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

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

1. Name: Michael W. Zmuda
2. Title: Board Member
3. Agency: Land Surveyors Section/APELSCIDLA Board
4. Meeting/IFF Date: PE-LS Section Meeting, May 9, 2019

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

 N/A

Nature of Personal Interest Affected by Transaction:

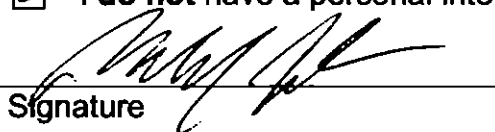
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

 5/9/19
Date