

**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 March 11, 2004, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Architects

John S. Clark, Jr.
David L. May, Jr.
J. Everette Fauber, III

Professional Engineers

Richard N. Davenport
Stanley C. Harris
Ronald G. Helton

Land Surveyors

Doyle B. Allen
John R. McAden
W. R. Stephenson, Jr.

Interior Designers

Susan S. Orange
Carole R. Renmark

Landscape Architects

Vaughn B. Rinner

Board member William H. Spell was not present at the meeting.

Staff present for all or part of the meeting were:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen W. O'Neal, Deputy Director of Regulatory Programs
Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Sharon M. Sweet, Director of Education and Examinations
Carol Mitchell, Director, Dispute Resolution Section
Victoria Traylor, Legal Assistant
Trisha L. Henshaw, Administrative Assistant

Eric Gregory, Assistant Attorney General with the Office of the Attorney General, was present for a portion of the meeting.

Mr. Davenport, Chair, called the meeting to order at 9:14 a.m.

Call to Order

Mr. Courtney introduced Mr. Gregory with the Office of the Attorney General as the new counsel to the Board.

**Introduction of
Counsel**

Mr. Allen moved to approve the agenda as written. Mr. Harris seconded the motion which was unanimously approved by members: Allen, Clark, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, and Stephenson.

Approval of
Agenda

Mr. May moved to approve the minutes from the following meetings:

Approval of
Minutes

- ◆ December 11, 2003, APELSCIDLA Board meeting, as amended;
- ◆ January 27, 2004, Professional Engineers Section Meeting, as written;
- ◆ February 5, 2004, Landscape Architects Section Meeting, as amended;
- ◆ February 6, 2004, Architects Section Meeting, as written;
- ◆ February 10, 2004, Land Surveyors Section Meeting, as written;
- ◆ February 12, 2004, Interior Designers Section Meeting, as written;
- ◆ December 15, 2003, Informal Fact-Finding Conference (Arch), as written;
- ◆ December 22, 2003, Informal Fact-Finding Conference (LS), as written;
- ◆ January 22, 2004, Land Surveyors Examination Workshop, as amended;
- ◆ February 12, 2004, Informal Fact-Finding Conference (ID), as written; and
- ◆ February 17, 2004, Informal Fact-Finding Conference (BE), as written.

Mr. McAden seconded the motion which was unanimously approved by members: Allen, Clark, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, and Stephenson.

Mr. Davenport read the following rules for the public hearing:

Public Hearing
on Proposed Fee
Adjustments

"Good morning ladies and gentlemen. I am Richard Davenport 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 for fee adjustments published in the Virginia Register on Monday, February 9, 2004.

"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, David May, Jack Clark, Vaughn Rinner, Carole Renmark, Susan Orange, Ron Helton, Stanley Harris, Doyle Allen, John McAden, Steve Stephenson, and Richard Davenport.

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

"Rules for this 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 or 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 Friday, April 9, 2004."

As no comments were presented to the Board members, the public hearing was closed.

William Pace, owner of Bayshore Design, spoke to the Board members regarding Chesapeake Bay Local Assistant Department compliance plans. Mr. Pace expressed concerns regarding the acceptance of compliance plans by localities from individuals who are not professional engineers. Mr. Pace stated that he has contacted the Board regarding this issue in the past and, based on the response, hired a professional engineer so that his company could submit compliance plans. Mr. Pace further stated that his company is at a financial disadvantage in that plans produced by his company do cost more because they are prepared by a professional engineer. Mr. Pace's employee, Lloyd English, P.E., was also present and echoed Mr. Pace's concerns.

Public Comment
Period

Mr. and Mrs. L. Gardner Blanks, Complainants, and Mr. Shelby L. Spradlin, Witness, were present to discuss **File Number 2003-00982, William Robert Reeves, Jr.** Mr. Blanks pointed out three items that he believed were not addressed in the Consent Order agreed to by Mr. Reeves. Mr. Blanks stated that there were numerous deficiencies in the survey prepared by Mr. Reeves that affected several property owners.

L. Gardner and
Martha Blanks,
Complainants,
and Shelby L.
Spradlin,
Witness, File
Number 2003-
00982

Mr. Spradlin concurred with Mr. Blanks' assessment that several items were either not addressed or not adequately addressed in the Consent Order agreed to by Mr. Reeves. Mr. Spradlin also explained his role in relation to assisting Mr. Blanks with this matter.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. McAden was not present during the presentation.

In reference to **File Number 2003-00982, William Robert Reeves, Jr.**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Reeves and the presentations by Mr. and Mrs. Blanks and Mr. Spradlin, as well as the record of the Informal Fact-Finding Conference, which consisted of the investigative file, and transcript and exhibits. After discussion, Mr. Stephenson moved to reject the Consent Order and reconvene the Informal Fact-Finding Conference to address the additional items contained in Mr. Spradlin's letter of July 22, 2002. Specifically, those items are:

File Number
2003-00982,
William Robert
Reeves, Jr.

"1. Why on the east side of Rts. 670 and 637 the line that is shown as straight on Mr. Blanks' 1891 survey changes eight (8) degrees on your survey and you set a corner several feet from the found corner on the west edge of Rt. 637 that appears to have been the corner that corresponds to the original 1891 survey?"

"4. Why did you shorten line L3 on Rt. 670 by almost seven (7) feet (according to Mr. Thompson's survey) before setting a corner?"

"5. Why did you shorten line L4 by over twelve (12) feet (according to Mr. Thompson's survey)? By shortening line L3 and keeping lines (S5E) and L5 the same distance you placed all of these lines well inside on Mr. Blanks' property where Mr. Blanks and Mr. Thompson had previously considered the lines to be located."

Mr. Harris seconded the motion which was unanimously approved by members: Allen, Clark, Davenport, Fauber, Harris, Helton, May, Orange,

Renmark, Rinner, and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. McAden was not present during the discussion or vote.

Mark Kiser, Chief Engineer with Potesta and Associates, was present to answer any questions the Board may have regarding **File Number 2004-02178**.

Mark Kiser,
Witness, File
Number 2004-
02178

Regarding **File Number 2004-02178, Potesta and Associates**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and summary and recommendation of the presiding Board member. After discussion, Mr. Helton moved to accept the recommendation of the presiding Board member and approve the application for registration as a business entity of Potesta and Associates provided Mr. Potesta, on behalf of Potesta and Associates, enter into an Agreement for Registration with the following terms:

File Number
2004-02718,
Potesta and
Associates

1. Mr. Potesta agrees to hold formal in-house training covering the Board's regulations.
2. Mr. Potesta agrees to submit written certifications from all of the licensed professionals employed by Potesta & Associates, regardless of the jurisdiction where licensed, within 60 days of the entry of this Agreement. The certification shall include the full name of the licensee, state(s) of license, type of license, expiration date, license number, and signature of the licensee.

Mr. Harris seconded the motion which was unanimously approved by members: Allen, Clark, Davenport, Fauber, Harris, Helton, McAden, Orange, Renmark, Rinner, and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. May was not present during the discussion or vote.

Regarding **File Number 2003-00600, Steven L. Biegel**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Biegel. The Consent Order cites a violation of 18 VAC 10-20-790.A.2 of the Board's 1999 regulations for Mr. Biegel being convicted of a felony. For this violation, Mr. Biegel agrees to surrender his Virginia architect license and agrees not to submit an application for a Virginia architect license for a period of three and one-half years from the date of the Order. Thereafter, if Mr. Biegel submits an application for licensure, he must meet the current requirements for licensure in effect at the time of the application. Mr. Clark moved to accept the Consent Order as written. Mr. Fauber seconded

File Number
2003-00600,
Steven L. Biegel

Davenport, Fauber, Harris, Helton, McAden, Orange, Renmark, Rinner, and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. May was not present during the discussion or vote.

Concerning File Number 2002-03361, J. A. Braddock Smith, the Board members reviewed the Consent Order as seen and agreed to by Mr. Smith, as well as Board Exhibits 1 through 3 that were distributed at the meeting. The Consent Order cites violations of 18 VAC 10-20-760.B.2 of the Board's 1999 regulations. For this violation, a \$250 monetary penalty and a \$500 monetary penalty, for a total of \$750, were imposed. In addition, Mr. Smith agreed to successfully complete an eight hour course and/or seminar to encompass the topic of boundary adjustment and an eight hour course and/or seminar to encompass the topic of the Board's regulations and statutes. After discussion, Mr. May moved to amend the Consent Order to clarify that "eight hours of coursework and/or seminars encompassing the topic of boundary traverse adjustment and eight hours of coursework and/or seminars to encompass the topic of the Board's regulations and statutes" are required. Further, Mr. May moved to ensure that "traverse" is included in this statement. Mr. Smith's failure to accept the Consent Order within 14 days of receipt will result in the Board entering a Final Opinion and Order imposing the monetary penalties above. Mr. Harris seconded the motion which was unanimously approved by members: Clark, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Allen was not present during the discussion or vote.

File Number
2002-03361, J.
A. Braddock
Smith

The Board members discussed correspondence regarding Chesapeake Bay Local Assistance Department compliance plans. At the last Board meeting, the Board requested that this information be discussed by each of the Sections in order to be prepared to make their recommendations to the Board. Nancy McIntyre, a licensed professional engineer and land surveyor who is also in charge of reviewing Chesapeake Bay Preservation Act plans for the City of Virginia Beach, was present to provide information from the perspective of the locality. After reviewing each of the Section recommendations and being unable to reach a final decision, the Board agreed by consensus to table the matter at this time and have each of the Sections further review the information for reconsideration at the June 10, 2004, Board meeting.

Discussion of
Chesapeake Bay
Preservation Act
Compliance
Plans

The Board recessed for a break from 11:26 a.m. to 11:41 a.m.

Break

Ms. Ware provided the Board members with an update regarding the visitability issue that was discussed at the last Board meeting. Previously,

Discussion of
Visitability

the Board members were provided with information pertaining to visitability *recommendations made by the Virginia Housing Study Commission*. After Ms. Ware shared with Nancy Ambler, Executive Director and Counsel for the Virginia Housing Study Commission, concerns expressed by the Board at the December 2003 Board meeting regarding several of the recommendations, the recommendations were tabled the Commission; however, they would revisit the issue in a year's time to see what progress had been made. The Department, through the Virginia Fair Housing Office, and the Virginia Society of the American Institute of Architects have partnered to develop a program aimed at increasing awareness among Virginia design professionals about the value and necessity of designing accessible and adaptable housing. As part of this partnership, Ms. Ware requested that a member or members of the Board be designated to assist with this collaboration. After agreeing by consensus to designate one member per section, the following members volunteered to assist the Department with this initiative: J. Everette Fauber, Vaughn Rinner, Carole Renmark, Richard Davenport, and John McAden.

Ms. Mitchell provided the Board members with an update from the Photogrammetry Facilitation meeting held on February 19, 2004. The meeting included stakeholders from various organizations affected by photogrammetry, as well as Mr. Allen as representative from the Board. Ms. Mitchell indicated that the meeting went very well and a good deal of progress was made. Ms. Mitchell stated that the next meeting is planned for March 31, 2004, and will focus, in part, on procurement issues. Mr. Allen added that he thought the meeting was very open given the high level of emotion involved on all sides, and thanked Ms. Mitchell for her excellent facilitation of the meeting.

**Report from
Photogrammetry
Facilitation**

Ms. Sweet provided a memorandum to the Board members regarding fees for the Landscape Architectural Registration Examination (LARE). Ms. Sweet indicated that effective August 2004, the Council for Landscape Architecture Registration Boards (CLARB) will administer the multiple choice sections of the examination (Sections A, B, and D) of the LARE. The graphic sections (C and E) will be administered separately through the Department's vendor. Based on this change, the Department's contract with the examination vendor, Professional Credential Services, Inc. (PCS), was modified and the administration fee was increased from \$35 to \$55 per section. With the fees at the current level, there will be a cost to the Board for each examination administered. After discussion, Mr. Allen moved to increase the examination fees as recommended by Ms. Sweet. The increase will result in a fee of \$275 for each of Sections C and E beginning with the December 2004 examination administration. Ms. Orange seconded the motion which was unanimously approved by members: Allen, Clark,

**Discussion of
LARE Fees**

Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, and Stephenson.

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting. Mr. Courtney indicated that the Department has an internal committee that has been formed to develop ways to decrease the processing time of Enforcement cases.

**Comprehensive
Report of
Enforcement
Activity**

The Board members were provided with the Board financial statements from December 2003 for informational purposes.

**Review of Board
Financial
Statements**

The Board members were provided with a question regarding expert testimony by professional engineers licensed in other states (but not Virginia), and whether or not actions related to providing expert testimony constitute the practice of engineering in Virginia. The Board members were provided with various laws and statutes related to expert testimony, as well as minutes and subsequent correspondence from the Professional Engineers Section, which had previously considered this issue. After discussion, Mr. May moved that the act of investigating a claim, analyzing the results of the investigation, preparing an opinion about the cause and origin of the claim and testifying that opinion may constitute the practice of engineering in Virginia. Mr. Harris seconded the motion which was unanimously approved by members: Allen, Clark, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, and Stephenson.

**Discussion of
Licensure for
Expert
Witnesses**

Mr. May then moved to have each of the other Sections of the Board, excluding the Professional Engineers Section, review this matter for consideration at the June 10, 2004, Board meeting. Mr. Allen seconded the motion which was unanimously approved by members: Allen, Clark, Davenport, Fauber, Harris, Helton, May, McAden, Orange, Renmark, Rinner, and Stephenson.

Mr. Courtney stated that elections will take place at the next Board meeting and the Interior Designers Section is next in line in the rotation for the position of Chair.

Other Business

Mr. Courtney indicated that staff will begin preparing the next issue of *Dimensions*, the Board's newsletter, in the near future and requested any article ideas. Several suggested topics were: expert testimony, visitability and accessibility, and the Engineering Licensure Qualifications Task Force of the National Council of Examiners for Engineering and Surveying, of which Mr. Harris is a member.

Conflict of Interest forms were completed by all members present.

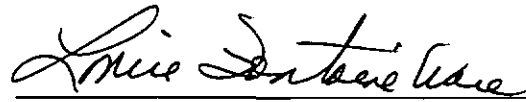
Conflict of
Interest Forms

There being no further business, the meeting was adjourned at 12:47 p.m.

Adjourn



Richard N. Davenport, 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: Richard N. Davenport
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on March 11, 2004
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:

VSPB NSPR

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

Signature

Date



11 MAR 04

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Ronald G. Helton
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on March 11, 2004
5. Nature of Personal Interest Affected by Transaction: N/A
-

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:

ACEC/V VSPE

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

R. Helton 3/11/04
Signature Date

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

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

1. Name: David L. May, Jr.
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on March 11, 2004
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:

_____ *Architecture* _____

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

Signature _____ *[Handwritten Signature]* _____ Date *March 11, 2004* _____

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 March 11, 2004
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

3-11-4
Date

**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 March 11, 2004
5. Nature of Personal Interest Affected by Transaction: _____

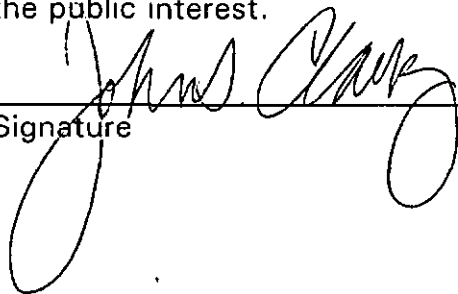
6. I declare that:

(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



3.11.04

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 March 11, 2004
5. Nature of Personal Interest Affected by Transaction: 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:

Land Surveyors

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

John R. McAden
Signature

3-11-04
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 March 11, 2004
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:

LAND SURVEYORS

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

WR Stephenson
Signature

3/11/04
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: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on March 11, 2004
5. Nature of Personal Interest Affected by Transaction: NONE

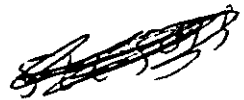
6. I declare that:

(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.

Doyle B. Allen
Signature

March 11, 2004
Date



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

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

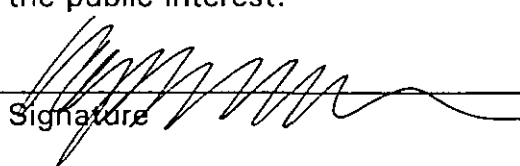
1. Name: Vaughn B. Rinner
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on March 11, 2004
5. Nature of Personal Interest Affected by Transaction: _____

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



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

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

1. Name: Carole Ridings Renmark
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on March 11, 2004
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.

Carole Renmark

Signature

3/10/04

Date

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

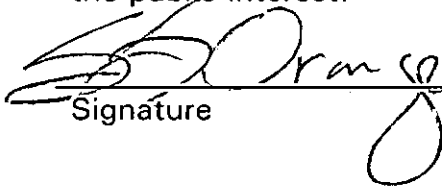
**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Susan S. Orange
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on March 11, 2004
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

3.11.04
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Doyle B. Allen
2. Title: Board Member
3. Agency: Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects
4. Transaction: Informal Fact-Finding Conferences on March 11, 2004
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.

Doyle B. Allen
Signature

March 11, 2004
Date