

**APELSCIDLA BOARD MEETING  
TENTATIVE AGENDA**

**THURSDAY, DECEMBER 13, 2007  
9:00 a.m. – BR2 – 2<sup>nd</sup> Floor  
Department of Professional & Occupational Regulation  
9960 Mayland Drive  
Richmond, Virginia 23233  
(804) 367-8514**

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes:
  - A. September 13, 2007, APELSCIDLA Board Meeting;
  - B. October 11, 2007, Professional Engineers Section Meeting; and
  - C. November 6, 2007, Landscape Architects Section Meeting;
4. Public Comment Period\*

Review Files

5. Appointments: None at This Time
6. File Number 2008-00624, Martin Bertrand  
Cease & Desist
7. File Number 2007-04062, Donald Nesmith  
Pre-IFF Consent Order (Rinner) – Disciplinary
8. File Number 2007-01880, Carl Duncan  
Pre-IFF Consent Order (De León) – Disciplinary
9. Consideration of Final Photogrammetry Regulations
  - Review and Adopt Response to Public Comment
  - Consideration of Final Regulations
10. Consideration of LARE Fee Increase
11. Review of Draft Agreement with *Engineers Australia*
12. Consideration of NCEES Award Nominations
  - Distinguished Service Award for Wilmer F. Sirine, II
  - Northeast Zone Award for Doyle B. Allen

13. Discussion of Design of Site Plans by Certified Landscape Architects
14. Comprehensive Report of Compliance & Investigations Division Activity
15. Review of Board Financial Statements
16. Other Business
17. Adjourn

**NEXT MEETING SCHEDULED FOR WEDNESDAY, MARCH 19, 2008**

\*Five minute public comment, per person, with the exception of any open disciplinary or application files.

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8514 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

**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 September 13, 2007, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

**Architects**

John S. Clark, Jr.  
J. Everette Fauber, III  
Kenneth A. Schwartz

**Professional Engineers**

Nico De León  
Stanley C. Harris, Sr.  
Wiley V. Johnson, III

**Land Surveyors**

John R. McAden  
Nancy E. McIntyre  
W. R. Stephenson, Jr.

**Interior Designers**

Lorri B. Finn  
Cameron C. Stiles

**Landscape Architects**

Vaughn B. Rinner  
William H. Spell

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director  
Karen W. O'Neal, Deputy Director Licensing and Regulation  
Mark N. Courtney, Executive Director  
Marian H. Brooks, Program Administrator  
Michelle Gowen, Administrative Assistant  
Earlyne Perkins, Legal Analyst  
Sheree L. Dean, Office Manager

Steven P. Jack, Assistant Attorney General, was present at the meeting.

Mr. Harris, Chair, called the meeting to order at 9:05 a.m.

**Call to Order**

Ms. Stiles moved to approve the agenda. Mr. McAden seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

**Approval of Agenda**

Mr. Courtney introduced Sheree Dean, the new Office Manager of his section, and welcomed her to the Department.

**Introduction of  
Sheree Dean**

Mr. McAden moved to approve the minutes as written for the following meetings:

**Approval of Minutes**

- June 14, 2007, APELSCIDLA Board Meeting;
- June 14, 2007, Informal Fact-Finding Conference (ARCH);
- July 26, 2007, Architects Section Meeting;
- August 7, 2007, Professional Engineers Section Meeting;
- August 16, 2007, Land Surveyors Section Meeting;
- August 21, 2007, Interior Designer Section Meeting;
- August 28, 2007, Landscape Architect Section Meeting; and
- September 6, 2007, Informal Fact-Finding Conference (ARCH).

Mr. Stephenson seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

**Public Comment Period** – Duncan Abernathy, VSAIA, addressed the Board regarding the proposed continuing education regulations. Mr. Abernathy provided information regarding what other states are requiring of their regulants in terms of continuing education for health, safety and welfare, as well as how some states have different continuing education requirements by discipline.

**Public Comment Period**

“Good morning ladies and gentlemen. I am Stanley C. Harris, Sr., and I am the Chairman of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board).

**Public Hearing on Proposed Regulations**

“This is a public hearing held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 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 photogrammetry published in the *Virginia Register* on Monday, July 9, 2007.

“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: Nico De León and Wiley V. Johnson, III, of the Professional Engineers Section; Cameron Stiles and Lorri B. Finn of the

Interior Designers Section; Vaughn Rinner and William Spell of the Landscape Architects Section; J. Everett Fauber, III, Kenneth Schwartz, and John S. Clark, Jr. of the Architects Section; and Nancy McIntyre, John McAden, and Steve Stephenson of the Land Surveyors Section.

“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 5:00 p.m. today, September 13, 2007.”

There were no speakers present at the meeting.

“The record of the public hearing will be kept open until Thursday, September 13, 2007, and written comments will be accepted through 5:00 p.m. today. This hearing is now closed.”

Mr. Green was present to address the Board and stated that this situation has humbled him and he is looking forward to doing design work in Virginia if the Board allows him to retain his license previously issued in error.

**File Number 2008-00855, Wendell T. Green**

Regarding **File Number 2008-00855, Wendell T. Green**, the Board members reviewed the record of the Informal Fact Finding Conference, which consisted of the application file, transcripts and exhibits, the Summary of the Informal Fact-Finding Conference, and the presentation by Mr. Green.

Mr. Fauber moved to accept the Summary and Recommendation of the presiding Board member which recommends the following:

“Based upon the information presented at the conference, I recommend that Mr. Green be allowed to retain the Architect License and Business Entity Registration issued to him in error. Mr. Green has now completed nine sections of the Architect

Registration Examination, albeit in an extended time-frame and with a number of complicated and complicating circumstances along the way. He let his process lapse two years ago, thus leading to the previous IFF and Board action. Had he not let this lapse occur, he might have been able to proceed with the completion of the one missing section of the ARE, in which case he would be licensed today. Although he understood the Board's action from 2006 requiring that he complete all nine sections (given changes in the examination and in the practice of architecture over the long period of his extended examination process), he had no reason to believe that the license was not valid and official from the moment more than a year ago when he received it. He has been practicing architecture as a licensed architect, calling himself an architect, incorporating and registering his business in the practice of architecture from the time he received his certificate from the Board's staff on July 18, 2006 up to the date that he received Mr. Courtney's letter of July 25, 2007 indicating the error made by Board staff.

"It is my opinion that the problems of process and sequence in this case merit special consideration. Yet even with these problems, they do not override my concern for the public's health, safety, or welfare. In my independent assessment of the facts of this case, I do not believe that there are any negative impacts in regards to health, safety and welfare. If there were, I would not be putting forward the recommendation noted above."

Mr. Clark seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Harris, Johnson, McAden, McIntyre, Renmark, Rinner, Spell, Stephenson, and Stiles. As the presiding Board member, Mr. Schwartz was not present during the presentation, discussion or vote.

Regarding **File Number 2007-02119, William Stuart Dunn**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Dunn. Mr. Stephenson moved to approve the Consent Order which cites the following violations of the Board's 2002 regulations: 18 VAC 10-20-370.C.4 (Count 1); and 18 VAC 10-20-370.D.2 (Count 2). For these violations, Mr. Dunn agrees to the following fines: \$250.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; as well as \$150.00 in Board costs. In addition, Mr. Dunn also agrees to attend a minimum of six (6) hour class and/or seminar on land boundary surveying practice and/or Virginia law and regulations, or another equivalent course approved by the Board. Mr. Dunn agrees to provide proof of attendance and successful completion of the above referenced course within six (6) months of the effective date of this Order. Mr. Dunn acknowledged that satisfactory

**2007-02119 William  
Stuart Dunn**

completion of the above referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Harris, Johnson, McIntyre, Renmark, Rinner, Schwartz, Spell, Stephenson, and Stiles. As the reviewing Board member, Mr. McAden was not present during the discussion or vote.

Regarding **File Number 2006-04492, David E. Delew**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Delew. Mr. Stephenson moved to accept the Consent Order which cites the following violations for the Board's 2002 regulations: 18 VAC 10-20-370.A (Count 1); 18 VAC 10-20-370.B (Count 2); 18 VAC 10-20-370.B (Count 3); 18 VAC 10-20-370.C.1 (Count 4); 18 VAC 10-20-370.C.1 (Count 5); 18 VAC 10-20-370.C.2 (Count 6); 18 VAC 10-20-370.C.2 (Count 7); 18 VAC 10-20-370.C.3.a (Count 8); 18 VAC 10-20-370.C.3.a (Count 9); 18 VAC 10-20-370.C.3.b (Count 10); 18 VAC 10-20-370.C.3.b (Count 11); 18 VAC 10-20-370.C.4 (Count 12); 18 VAC 10-20-370.D.1 (Count 13); 18 VAC 10-20-370.D.2.b (Count 14); 18 VAC 10-20-370.D.2.d (Count 15); 18 VAC 10-20-370.D.2.j (Count 16); 18 VAC 10-20-370.D.2.k (Count 17); 18 VAC 10-20-370.D.2.m (Count 18); 18 VAC 10-20-370.D.2.n (Count 19); 18 VAC 10-20-370.D.2.o (Count 20); 18 VAC 10-20-760.B.1 (Count 21); 18 VAC 10-20-760.B.2 (Count 22); and 18 VAC 10-20-760.B.2 (Count 23). For these violations Mr. Delew agrees to the following fines: \$500.00 for the violation contained in Count 1; \$125.00 for the violation contained in Count 2; \$125.00 for the violation contained in Count 3; \$125.00 for the violation contained in Count 4; \$125.00 for the violation contained in Count 5; \$125.00 for the violation contained in Count 6; \$125.00 for the violation contained in Count 7; \$125.00 for the violation contained in Count 8; \$125.00 for the violation contained in Count 9; \$125.00 for the violation contained in Count 10; \$125.00 for the violation contained in Count 11; \$250.00 for the violation contained in Count 12; \$250.00 for the violation contained in Count 13; \$250.00 for the violation contained in Count 14; \$250.00 for the violation contained in Count 15; \$250.00 for the violation contained in Count 16; \$100.00 for the violation contained in Count 17; \$100.00 for the violation contained in Count 18; \$500.00 for the violation contained in Count 19; \$500.00 for the violation contained in Count 20; \$250.00 for the violation contained in Count 21; \$125.00 for the violation contained in Count 22; and \$125.00 for the violation contained in Count 23; as well as \$150.00 in Board costs; for a total monetary penalty of \$4,850.00. In addition, for the violations of Counts 1 through 23, Mr. Delew also agrees to a two (2) year probation of his license from the effective date of this Order. During this two (2) year probation, Mr. Delew agrees to comply with the rules and regulations of the Board and revocation of his license if a valid complaint is filed against him. If the terms of this Order are violated, Mr. Delew agrees to the automatic revocation of his license. Mr. Delew also

**File Number 2006-04492, David E. Delew**

agrees to take and successfully complete an eight-hour course or seminar on the Board's Rules and Regulations and/or land boundary surveying within six (6) months of the effective date of this Order. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Harris, Johnson, McIntyre, Renmark, Rinner, Schwartz, Spell, Stephenson, and Stiles. As the reviewing Board member, Mr. McAden was not present during the discussion or vote.

After reviewing the application and Agreement for Registration, Mr. Johnson moved to accept the Agreement for Registration as seen and agreed to by Stewart & Conners Architects, PLLC. Mr. Clark seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Mr. Stephenson disclosed that he is a member of the Tidewater Community College Engineering Program Advisory Board and believes he can be fair and impartial in reviewing this matter.

Mr. Christopher Cartwright, an Associate Professor at Tidewater Community College, was present to give the Board a brief presentation on the Tidewater Community College Land Surveyor Certificate Program for which he is seeking approval from the Board. The Board members were also provided with a course outline of the program. Ms. McIntyre moved to approve the Land Surveying Certificate Program at Tidewater Community College as a Board approved apprentice program pursuant to regulation 18 VAC 10-20-300.5. Ms. Rinner seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

The Board members were provided with the draft proposed regulations for continuing education and the proposed wording from the Architects, Professional Engineers, Interior Designers, Land Surveyors, and Landscape Architects Sections. After discussion, Ms. McIntyre moved that the last sentence of 18 VAC 10-20-683.C.1 should read as follows:

“The required continuing education credit hours may be in areas related to business practices including project management, risk management, and ethics, which have demonstrated relevance to the licensee's area of practice as defined in Chapter 4 of Title 54.1 of the *Code of Virginia*.”

Ms. Rinner seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

**Stewart & Conners  
Architects, PLLC,  
Agreement for  
Registration**

**Consideration of a  
Board Approved  
Land Surveyor  
Program**

**Consideration of  
Draft Proposed  
Wording for  
Continuing  
Education  
Requirements**



Ms. Stiles moved to adopt the proposed photogrammetry regulations. Ms. Stiles further moved to authorize staff, in conjunction with the Chair, to make any minor changes as necessary, on behalf of the Board, so that the regulations can be approved. Mr. Spell seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

After discussion, the Board members agreed that a practice in a host nation agreement would be the best approach for the Virginia Board in permitting Australian licensed professional engineers to practice in Virginia. The Board requested that staff prepare a draft agreement between *Engineers Australia* and Virginia for review at the next meeting.

**Discussion of  
Request from  
Engineers Australia**

Mr. Schwartz moved to approve the following meeting dates for 2008:

**Set 2008 Meeting  
Dates**

ARCHITECTS

Tuesday, February 5, 2008  
Tuesday, May 6, 2008  
Tuesday, July 29, 2008  
Tuesday, October 28, 2008

PROFESSIONAL ENGINEERS

Tuesday, February 12, 2008  
Tuesday, May 13, 2008  
Tuesday, August 5, 2008  
Tuesday, November 4, 2008

LAND SURVEYORS

Wednesday, February 20, 2008  
Wednesday, May 21, 2008  
Wednesday, August 20, 2008  
Wednesday, November 12, 2008

LANDSCAPE ARCHITECTS

Thursday, February 14, 2008  
Thursday, May 15, 2008  
Thursday, August 7, 2008  
Thursday, November 6, 2008

INTERIOR DESIGNERS

Thursday, February 7, 2008  
Thursday, May 8, 2008  
Thursday, July 31, 2008  
Thursday, October 30, 2008

APELSCIDLA BOARD

Wednesday, March 19, 2008  
Wednesday, June 18, 2008  
Wednesday, September 17, 2008  
Wednesday, December 10, 2008

Mr. Fauber seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting.

**Comprehensive  
Report of CID  
Activity**

The Board members were provided with financial statements from July 2007 for informational purposes.

**Review of Board  
Financial  
Statements**

Mr. Courtney shared a thank-you card from Brian Bluhm's family for the honorary Professional Engineer license the Board awarded their son.

**Other Business**

The Board members were provided with an overview of the process the Department will follow in bringing cases to the Board pursuant to § 54.1-402.2 of the *Code of Virginia*.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest  
Forms**

There being no further business, the meeting was adjourned at 9:51 a.m.

**Adjourn**

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Stanley C. Harris, Sr., Chair

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Jay W. DeBoer, Secretary

# PROFESSIONAL ENGINEERS SECTION MEETING

## MINUTES

The Professional Engineers Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on October 11, 2007, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Nico De León  
Stanley C. Harris  
Wiley V. Johnson, III

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director  
Karen W. O'Neal, Deputy Director of Licensing and Regulation  
Mark N. Courtney, Executive Director  
Marian H. Brooks, Program Administrator  
Michelle Gowen, Administrative Assistant  
Earlyne Perkins, Legal Analyst

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

Mr. Johnson, Chair, called the meeting to order at 9:02 a.m.

### Call to Order

Mr. Harris moved to approve the agenda. Mr. De León seconded the motion which was unanimously approved by members: De León, Harris, and Johnson.

### Approval of Agenda

There were no comments made to the Section members.

### Public Comment Period

Regarding **File Number 2007-01880, Carl E. Duncan**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Duncan. Mr. Harris moved to recommend that the Board accept the Consent Order which cites a violation of 18 VAC 10-20-760.B.2 of the Board's regulations. For this violation Mr. Duncan agrees to a \$600.00 fine as well as Board costs in the amount of \$150.00, for a total monetary penalty of \$750.00. Mr. Johnson seconded the motion which was unanimously approved by members: Harris and Johnson.

### File Number 2007-01880, Carl E. Duncan

As the reviewing Board member, Mr. De León was not present during the discussion or vote.

Mr. Harris reported that the following topics of interest were discussed at the NCEES Annual Meeting: sealing and signing as-builts, PE & FE Examinations, Structural Engineering Examinations, and Constitution & Bylaws.

**Report from NCEES  
Annual Meeting**

The Section members were provided with various memorandums and notices from NCEES and ABET.

**Review of  
Information from  
NCEES and ABET**

Mr. Courtney provided the Section members with recent information received from Texas Tech regarding their engineering ethics program, which is used for Consent Orders in disciplinary cases. Mr. Courtney also suggested that when requiring education in Consent Orders, Board members should remember to state in the Order that the education will not count towards any continuing education required for renewal or reinstatement.

**Other Business**

Mr. Courtney informed the Section members that he attended a meeting of the On-Site Sewer Sub-Work Group of the Virginia Housing Commission and legislation is forthcoming from the Commission to clarify what is and is not practice of engineering when designing residential, onsite sewage systems.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest  
Forms**

There being no further business, the meeting was adjourned at 9:18 a.m.

**Adjourn**

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Wiley V. Johnson, III, Chair

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Jay W. DeBoer, Secretary

# LANDSCAPE ARCHITECTS SECTION MEETING

## MINUTES

The Landscape Architects Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on November 6, 2007, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Vaughn B. Rinner  
William H. Spell

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director  
Mark N. Courtney, Executive Director  
Marian H. Brooks, Program Administrator  
Michelle Gowen, Administrative Assistant  
Earlyne Perkins, Legal Analyst

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

Mr. Spell, Chair, called the meeting to order at 9:03 a.m.

### Call to Order

Ms. Rinner moved to adopt the agenda as written. Mr. Spell seconded the motion which was unanimously approved by members Rinner and Spell.

### Approval of Agenda

**Public Comment Period** – Rob McGinnis, a representative of the Virginia Chapter of ASLA, was present to inform the Board that he is the Virginia Chapter of ASLA's liaison to the Board and they will be making more of a presence at the meetings in the future.

### Public Comment

Regarding **File Number 2007-04062, Donald Albert Nesmith**, Mr. Spell reviewed the Consent Order as seen and agreed to by Mr. Nesmith. Mr. Spell recommended that the Board approve the Consent Order which cites a violation of 18 VAC 10-20-710.B of the Board's regulations. For this violation Mr. Nesmith agrees to a \$750.00 fine and \$150.00 in Board costs for a total monetary penalty of \$900.00. As the reviewing Board member, Ms. Rinner was not present during the discussion.

### File Number 2007-04062, Donald Albert Nesmith

Ms. Rinner informed the Section that the new bylaws were approved at the CLARB Annual meeting in Cleveland. Other items of interest discussed at the meeting was the new Executive Director and the great transition CLARB has made with the state boards assistance.

**Report from  
CLARB Annual  
Meeting**

The Section members were provided with a letter from Mr. Hawkins, a certified Landscape Architect, which states VDOT is not accepting his site plans (which include storm water management) and requiring they be sealed by a Professional Engineer. Ms. Rinner noted that this matter was discussed at the APELSCIDLA Board meeting in December of 2006 where the Board acknowledged that Landscape Architects are, in fact, qualified to prepare these site plans. Ms. Rinner moved to recommend to the Board that certified Landscape Architects may be qualified to design site plans (including storm water management systems) with the proper education, training, and experience in accordance with subsection A of regulation 18 VAC 10-20-730. Mr. Spell seconded the motion which was unanimously approved by members: Rinner and Spell.

**Review  
Correspondence  
Regarding  
Preparation of  
Site Plans by  
Landscape  
Architects**

The Section members were provided with various correspondence received from CLARB.

**Review of  
Information  
from CLARB**

Mr. Courtney reminded the Section members that their annual Financial Disclosure Statements are to be completed and returned to the Board office no later than December 1, 2007.

**Other Business**

Mr. Courtney also noted that the APELSCIDLA Board meeting will be December 13, 2007.

Conflict of Interest forms were completed by all members present.

**Conflict of  
Interest Forms**

There being no further business, the meeting was adjourned at 9:22 a.m.

**Adjourn**

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William H. Spell, Chair

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Jay W. DeBoer, Secretary

## **Public Comment Period**

Five minute public comment, per person, with the exception of any open disciplinary or application files.

## **APPOINTMENTS:**

None at this time.

Note: Appointments may be added up to the date of the Board meeting. Please refer to the final agenda that is provided at the Board meeting for appointments that may have been added since your tentative agenda was mailed.



## **Cease and Desist Orders**

The Real Estate and APELSCIDLA Boards have the authority to issue cease and desist orders for unlicensed activity (§§ 54.1-2105.2 and 54.1-402.2 respectively). Following are guidelines for handling these cases, specific procedures will be incorporated into the CID Procedures Manual.

1. Cases will be processed by CID/CAR. Cases received by the Board Sections will be forwarded to CAR in the same way disciplinary cases received by the Board Sections are forwarded to CAR.
2. CID will conduct an investigation.
3. CID will forward its Report of Investigation to the Board Section for placement on the agenda.
4. The Board will consider the matter at a full Board meeting and issue a cease and desist order if appropriate. The order is effective upon entry unless the respondent files an appeal with the Board within 21 days.
  - If the respondent ceases to practice, the case is closed.
  - If the respondent continues to practice, CID will proceed criminally.
  - The respondent may appeal the decision to the Board within 21 days.
5. If the respondent appeals to the Board, the matter will be referred to CID to conduct an IFF and then proceed to the Board for a case decision. The resulting order will be processed the same as all other orders and the appeal would be to Circuit Court like all case decision appeals.
6. The Board may also proceed, through an additional IFF and case decision, to assess the civil penalties permitted by statute (if the cease and desist and civil penalties cases are ready for an IFF at the same time, staff will contact counsel to determine if holding the IFFs concurrently is advisable).

09/27/07



**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION**

JAY W. DeBOER  
DIRECTOR

DEPUTY DIRECTORS:

DAVID B. ASHE  
CHIEF DEPUTY

KAREN W. O'NEAL  
Licensing & Regulation

NICK A. CHRISTNER  
Compliance & Investigation

STEVEN L. ARTHUR  
Administration & Finance

TO: Investigative File

FROM: Nick A. Christner, *NAC*  
Deputy Director – Compliance and Investigations Division

DATE: October 31, 2007

SUBJECT: Referral to Board

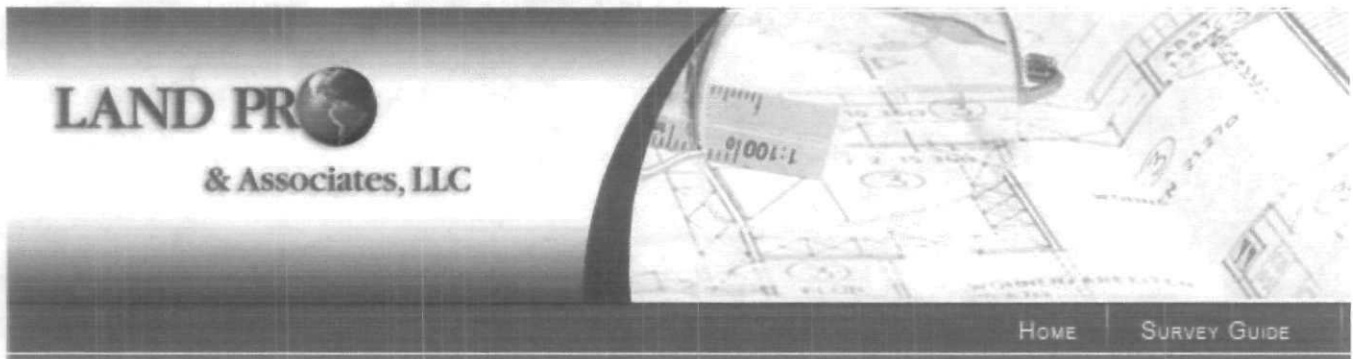
This case file will be forwarded to the Board Section of Land Surveyors for consideration of further action.

This complaint was filed by a licensed surveyor in Virginia. The complainant stated that he was approached by an unlicensed person and asked to “rubber stamp” surveys allegedly performed by unlicensed persons or entities. The complaint also alleged that the respondent was advertising the offering of services that required a license and this entity/person possessed no such license.

The respondent was contacted and refuted the allegations. The respondent stated that he is in the process of “finalizing” the required “paperwork” before he actually starts his business and refutes the allegations that he sought a rubber-stamping of plans. In essence, the respondent stated that he is not yet conducting business and understands there are requirements he must fulfill before he begins participating in business activities that would require a license. There is no evidence as of this date that the respondent’s company is registered with the State Corporation Commission or has applied for licensure with this agency.

Regarding the specific complaint received and is now forwarded to the Board, the investigative staff did not pursue consultation with a local prosecutor and pursue criminal charges. This is due to the fact that the allegation of inappropriate activity did not involve an actual transaction where fees were charged and money exchanged hands. Additionally, no work or services were actually performed by the complainant.

The respondent continues to advertise the offering of services that may require licensure. Therefore, this information is being provided for the Board’s consideration.



## Welcome to Land Pro & Associates LLC!



**Land Pro & Associates, LLC**  
10113 E. Franklin Ave.  
Glenn Dale, MD 20769

**Phone:** 301.368.1944  
**Fax:** 301.794.8751  
**Email:** [info@landproassociates.com](mailto:info@landproassociates.com)

Land Pro & Associates (LPA), LLC is a residential land surveying company serving the Washington, DC, Metropolitan area, including Maryland and Virginia.

LPA, LLC implements current surveying technology that is supported by industry standards to ensure excellent quality and timely service for our customers. It is our goal to ensure that our clients are always satisfied by our commitment to service and integrity.



Costs for residential home surveys are based upon a standard lot size and can be subject to change. House location drawings can be delivered (via email) 2-4 business days from the date of the initial request.

Land Pro's commitment to service—Upon completion, the original location plat will be mailed the same day.

For more information on our services including boundary and topographic surveys, please contact us.

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License No: _____	File No.: _____
Expiration: _____	



## Complaint Form

(PLEASE PRINT LEGIBLY OR TYPE)

**NOTE:** The Department cannot guarantee anonymity. By law, all complaints received by the Department are subject to public disclosure once a case is closed. Therefore, if you wish to file a complaint anonymously, please do not include any personal information on the complaint form or any supplemental documents that reveal your identity. While the Department may accept an anonymous complaint, it will not proceed if it lacks sufficient information to support a regulatory or criminal violation.

COMPLAINT FILED BY

Name: JOHN B. WILST, JR. VA L.S. # 1488 B

Company: \_\_\_\_\_  
(Your company name if filing on behalf of a company)

Mailing Address: P.O. Box 454

City, State, and Zip: LADYSMITH, VA. 22501

Phone: Home 804-448-0205 Business 804-448-0205 Cell 804-467-5616

E-mail Address: jwsurvey@bealenet.com

Address where problem occurred: \_\_\_\_\_

City/County: \_\_\_\_\_

How did you hear about DPOR?  Newspaper  TV  Radio  Internet  DPOR publication, speaker, or contact Referred by: \_\_\_\_\_

Other: LICENSED

COMPLAINT AGAINST

Individual Name: MARTIN BERTRAND

Company: LAND PRO & Assoc., LLC

Address: 1013 E. FRANKLIN AVE

City, State, and Zip: GLENN DALE, MD 20769

Phone: Business 301-368-1944 Cell \_\_\_\_\_ Other \_\_\_\_\_

Type of License and/or License Number: NO LICENSE - THIS IS THE PROBLEM

RECEIVED

AUG 06 2007


CID CAR

(over)

Describe the complaint. (Attach additional sheets if necessary.)

WAS CONTACTED BY LAND PRO & ASSOC TO "RUBBER STAMP"
ALL THEIR HOUSE LOCATION SURVEYS IN NORTHERN VA & MD
(VA LS # 1488-B & MD L.S.# 11040). PLEASE FIND ATTACHED
A FAX THAT WAS RECEIVED ADVERTISING SURVEY SERVICES IN
MARYLAND, D.C & VIRGINIA. IT IS MY UNDERSTANDING THAT
MR. MARTIN BERTRAND & HIS BROTHER ARE FORMER EMPLOYEES
OF THEIR UNCLE, FITZROY J. BERTRAND VA LS# 1993 & WERE
RELEASE FROM EMPLOYMENT BECAUSE OF UNPROFESSIONAL CONDUCT
& STARTED THIS BUSINESS WITH CLIENTS WHO USED FITZROY
BERTRAND FOR SURVEY SERVICES. IT IS MY UNDERSTAND THAT NO
FULL TIME LICENSED LAND SURVEYOR IS IN RESPONSIBLE CHARGE
& IF SO, THE LLC IS NOT REGISTERED WITH DPOR CORRECTLY.

I wish to complain about the individual/business named above. I understand that a regulatory board does not have the authority to require a licensee to return money, correct deficiencies, or provide other personal remedies. I further understand that decisions regarding criminal prosecutions are at the discretion of the Department and the Commonwealth's Attorney. I am submitting this information so that the Department may determine whether disciplinary or criminal action against this individual or business should be considered. I verify under penalty of law that the information provided is true to the best of my knowledge.

Signature:  Date: 8-6-07

**PLEASE RETURN TO:**  
Department of Professional & Occupational Regulation  
Compliance & Investigations Division  
Complaint Analysis & Resolution  
3600 West Broad Street, 5<sup>th</sup> Floor  
Richmond, Virginia 23230-4917  
OR  
Email: [complaintanalysis@dpor.virginia.gov](mailto:complaintanalysis@dpor.virginia.gov)  
OR  
Fax: (804) 367-2179

**CONTACT INFORMATION**  
Department of Professional &  
Occupational Regulation  
Complaint Analysis & Resolution  
Complaints: (804) 367-3504  
TDD: (804) 367-9753  
Hotline for Older Virginians: (804) 367-2178  
Email: [complaintanalysis@dpor.virginia.gov](mailto:complaintanalysis@dpor.virginia.gov)  
Website: [www.dpor.virginia.gov](http://www.dpor.virginia.gov)

**LAND PRO & ASSOCIATES, LLC**

PHONE: 301-368-1944; FAX: 301-794-8751

EMAIL: LANDPRO@MAIL.COM

WWW.LANDPROASSOCIATES.COM

**FACSIMILE TRANSMITTAL SHEET**

TO:	John Wylie	FROM:	Martin Bertrand
COMPANY:	Land Pro Company Information	DATE:	7/20/07
FAX NUMBER:	804-448-3020	TOTAL NO. OF PAGES INCLUDING COVER:	4
PHONE NUMBER:		SENDER'S REPORTING NUMBER:	
RE:		YOUR REFERENCE NUMBER:	

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

**NOTES/COMMENTS:**

After your review of the information, should you have any questions do not hesitate to contact me at (202) 415-0283. I look forward to the opportunity to work with you.

10113 K. FRANKLIN AVENUE, GLENN DALE, MD 20789

**THANK YOU FOR YOUR BUSINESS!**





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**As Attachment**

**From:** "Martin Bertrand" <landpro@mail.com> [Save Address](#) [Block Sender](#) [This is Spam](#)

**To:** jwsurvey@dalenet.com, jwsurvey@bealenet.com  
**CC:** landpro@mail.com  
**Subject:** Land Pro & Associates Company Information  
**Date:** Fri, 27 Jul 2007 09:29:07 -0500

[Show Full Headers](#) [Back To \[INBOX\]](#)

---

**Mr. Wylie:**

This information was previously sent to you, I am sending again. Per your recent conversation with Martin Bertrand, please see attached PDF file regarding Land Pro's residential and commercial location survey company profile and rates. You can also refer to the web site [www.landproassociates.com](http://www.landproassociates.com).

Please advise as to your rates for signing Virginia(Northern) survey plats. After your review of the information if you have any questions or need additional information do not hesitate to contact us at (301) 388-1944 or you can reach Martin Bertrand via cell directly at (202) 415-0283. Thank you and we look forward to working with you.

Ivonne Fuller  
 Land Pro and Associates, LLC

---

**Enter the Bourne Ultimatum Sweepstakes**  
[View Trailer\\_Win\\_Even\\_Edges](#). In Theaters 08.03.07

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**LAND PRO**  **& ASSOCIATES, LLC**

RESIDENTIAL LAND SURVEYING

**LAND PRO**  **& ASSOCIATES, LLC**

10113 E. Franklin Avenue • Glenn Dale, MD 20769

## **LAND PRO & Associates, LLC**

is a residential land surveying company serving the Washington, D.C., Metropolitan area including Maryland and Virginia. The company specializes in residential and commercial title surveys.

Land Pro implements current surveying technology that is supported by industry standards to ensure excellent quality and timely service for our customers. It is our goal to ensure that our clients are always satisfied by our commitment to service and integrity.

### **RATES FOR TITLE COMPANIES**

#### **RESIDENTIAL LOCATION SURVEYS**

Washington, DC	\$180.00 per House Lot
Anne Arundel County	\$200.00 per House Lot
Baltimore City and County	\$200.00 per House Lot
Calvert County	\$300.00 per House Lot
Catroll County	\$300.00 per House Lot
Charles County	\$200.00 per House Lot
Frederick County	\$220.00 per House Lot
Howard County	\$200.00 per House Lot
Montgomery County	\$180.00 per House Lot
Prince Georges County	\$180.00 per House Lot
St. Mary's County	\$300.00 per House Lot
Washington County	\$300.00 per House Lot
All other Maryland Counties	Inquire for Pricing
Northern Virginia	\$210.00 per House Lot
All other Virginia Counties	Inquire for Pricing
Rush Surveys	Inquire for Pricing

Costs for residential home surveys are based upon a standard lot size and may be subject to change. House location drawings can be delivered (via fax) within 3-5 business days from the date of the initial request.

**Land Pro's commitment to service - Upon completion, the original house location plat will be mailed the same day.**

---

To Submit a Survey Request include the following information:

- Seller and Buyer Name(s)
- Mailing Address
- Property Address
- Date House Location Is Due
- Legal Description of the Property

Via fax to:  
(301) 794-8751

Or

Via e-mail to:  
Landpro@mail.com

Other Inquires for Service Contact:

Martin D. Bertrand, CEO  
Land Pro Associates, LLC  
10113 E. Franklin Ave.  
Glenn Dale, MD 20769  
(301) 368-1944



COMPLAINT FORM  
STATE OF MARYLAND

DEPARTMENT OF LABOR, LICENSING AND REGULATION  
DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
500 NORTH CALVERT STREET - BALTIMORE, MARYLAND 21202-3651  
HOME IMPROVEMENT..... 410-230-8308  
OCCUPATIONAL AND PROFESSIONAL LICENSING ..... 410-230-8322

DO NOT WRITE IN THIS SPACE  
OFFICE RECORD

DATE RECEIVED \_\_\_\_\_  
BOARD \_\_\_\_\_  
COMPLAINT NO. \_\_\_\_\_  
LICENSING INFORMATION \_\_\_\_\_  
EXPIRATION DATE \_\_\_\_\_

TYPE OF COMPLAINT - PLEASE CHECK

- HOME IMPROVEMENT
- HEATING, VENTILATION, AIR CONDITIONING, REFRIGERATION
- OTHER PROFESSIONAL LAND SURVEY BOARD

PLEASE ADDRESS ENVELOPE TO THE PROPER BOARD/COMMISSION

PLEASE BE ADVISED THAT BY FILING THIS COMPLAINT IT MAY BE NECESSARY FOR YOU TO APPEAR AT A FORMAL HEARING BEFORE THIS BOARD/COMMISSION OR IN CRIMINAL COURT.

1. YOUR NAME  
FIRST: JOHN D. LAST: WILEY, JR.  
MIDDLE INITIAL: \_\_\_\_\_  
STREET ADDRESS: P.O. BOX 454  
CITY: LADYSMITH VA STATE: VA ZIP: 22501  
HOME PHONE: 804-467-5616 WORK PHONE: 804-448-0205  
E-MAIL ADDRESS: jwsurvey@bealenet.com

2. COMPLAINT AGAINST  
MARTIN BERTRAND  
TRADING AS: LAND PRO & ASSOC., L.L.C.  
STREET ADDRESS: 10113 E. FRANKLIN AVE #1  
CITY: GLEN DALE MD STATE: MD ZIP: 20769  
PHONE: 301-368-1944  
E-MAIL ADDRESS: www.LANDPROASSOCIATES.COM

3. CONTRACT INFORMATION

Did you enter into a contract?  YES  NO If "YES" was the contract  Oral  Written?  
With whom did you enter into the contract? N/A  
(Give name of individual and/or company) N/A  
Date of contract (Month, Day, Year) N/A Amount of contract? \_\_\_\_\_  
Did you pay for the services?  YES  NO If "YES" give amount \$ \_\_\_\_\_

4. Name of person who actually did the work or performed the service NO

Date the work was started \_\_\_\_\_ Last date work was performed \_\_\_\_\_  
Is there an arbitration clause in the contract?  YES  NO

5. Please give a detailed but concise explanation of your complaint in the order in which it occurred and attach any supporting documents (continue on a separate sheet if necessary. Type or print legibly.)

SEE ATTACHED COMPLAINT TO COMMONWEALTH OF VA (DPOB) - SEE ATTACHED FAX RECEIVED ADVERTISING SURVEYING IN VIRGINIA, D.C. & MARYLAND. THEY CONTACTED ME TO "RUBBER STAMP" THEIR WORK.  
MR MARTIN BERTRAND IS NOT LICENSED TO PRACTICE LAND SURVEYING - USE TO WORK FOR HIS UNCLE - FITZROY J. BERTRAND, MD PROPERTY LINE L.S.#566 & WAS RELEASE FOR UNPROFESSIONAL CONDUCT & ALONG WITH HIS BROTHER, & CLIENTS FROM UNCLAS BUSINESS, START THEIR OWN SURVEY BUSINESS.

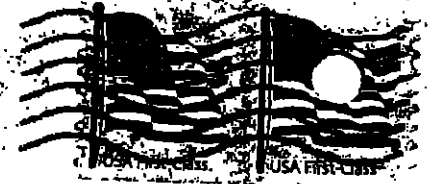
I CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.  
[Signature] MD PROFESSIONAL LS #11040 8-6-07  
(SIGNATURE OF COMPLAINANT) (DATE)

If this is a home improvement complaint and the contractor was licensed at the time of the contract, you may file a separate claim against the Home Improvement Guaranty Fund.

JOHN WILEY  
P.O. Box 454  
LADYSMITH VA. 22501

RICHMOND VA 232

07 AUG 2007 PM 1 L



DPOR  
COMPLIANCE & INVESTIGATIONS  
3600 W. BROAD ST. 5<sup>TH</sup> FLOOR  
RICHMOND, VA. ~~23230-4917~~

232304917

MAILROOM  
AUG 08 2007

23230+4915 CO11





September 19, 2007

Ms. Shelby S. Hill  
Investigator  
Compliance and Investigators Division  
Commonwealth of Virginia  
Department of Professional and Occupational Regulation  
9960 Maryland Drive  
Suite 400  
Richmond, VA 23233

**File No: 2008-00624**

Dear Ms. Hill:

I am writing to address the letter sent September 13, 2007 regarding file number 2008-00624. Per the allegations in which Mr. Wiley spoke that are completely without merit see detailed information below:

I began setting up my business in June 2007 after working 5 years with my uncle and his company Real Estate Surveyors. The reasons for my leaving the company of my own free will involve a long list of issues the first of which included fair compensation. I worked for this company to build the location division. I spoke freely of wanting to start my own business to my uncle in which he promised to assist and advise me. When that time came he treated me like I was the enemy and continues to defame and slander my reputation to assure that I am not successful.

With that being said, I am setting up my company and was looking to work with a reputable surveyor that I could employ as a contractor in VA. I never had a detailed conversation with John Wiley in which I asked him to "rubber stamp" location surveys. I never met this man, he was recommended to me by my brother. My brother has his own company that conducts business in a completely separate aspect of real estate. Why would I ask a stranger to do something illegal? Mr. Wiley was used by my uncle to get in the middle of a family dispute.

After initially wanting to begin marketing to "new clientele" and doing business in all 3 three states, I quickly realized there was much more paperwork that I needed to finalize to meet regulations in these jurisdictions. I am not and do not conduct business as of yet. As stated, I am finalizing all paperwork.

SEP 26 2007

Car GAR

Letter to Compliance  
September 19, 2007  
Page Two

I am dismayed by the lack of complete professionalism exhibited by Fitroy Bertrand and the false allegations brought by Mr. Wiley based upon hearsay. I can be contacted at (202) 415-0283 should you have any questions, I am committed to assuring that my name and business when fully launched is successful. I thank you in advance for your consider of my detailing the facts regarding this complaint.

Respectfully submitted,



Martin Bertrand



Martin & Ivonne Bertrand  
10113 East Franklin Avenue  
Glenn Dale, MD 20769

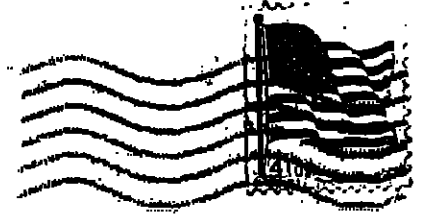
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SEP 26 2007

**UID CAR**

*Shelby S. Hill*  
*Compliance and Investigations Division*  
*Commonwealth of VA*  
*Dept. of Professional or Occupational Regulation*  
*9960 Maryland Drive, Suite 400*  
*Richmond, VA 23233*

25233+1465





**VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATIONS DIVISION  
9960 MAYLAND DRIVE, SUITE 400  
RICHMOND, VIRGINIA 23233-1463**

**INTERVIEW MEMORANDUM**

**DATE:** October 22, 2007  
**FILE NUMBER:** 2008-00624  
**RESPONDENT:** Martin Bertrand

---

On October 19, 2007, at 10:35 a.m., Investigator Shelby S. Hill, the Board's agent, interviewed John D. Wiley Jr. ("Wiley"), complainant, by telephone at (804) 467-5616. The following supplemental information was provided:

Wiley stated he is a licensed professional land surveyor and operates in Ladysmith, Virginia.

In July 2007, Martin Bertrand ("Bertrand"), of Land Pro & Associates LLC ("Land Pro"), contacted Wiley by telephone and asked if Wiley would work for him by reviewing, signing and stamping plans for properties located in the Northern Virginia areas. Bertrand did not have a Virginia licensed land surveyor in his office located in Maryland. Wiley asked Bertrand to provide documentation to specifically describe the services requested. Wiley did not commit to the proposal, verbally or in writing.

A short time later, on July 20, 2007, Wiley received a 4 page facsimile from Bertrand, which included a cover sheet, an email dated July 27, 2007, and a PDF file regarding Land Pro's residential and commercial location survey company profile and rates. Wiley did not contact Bertrand after receipt of the facsimile.

Wiley contacted Fitzroy J. Bertrand ("F. Bertrand"), a licensed professional land surveyor, and Bertrand's uncle, to gain clarification as to why Bertrand was seeking his assistance. F. Bertrand advised Wiley that Bertrand was a former employee of his company and was terminated for unprofessional conduct. After termination, Bertrand began his own company.



**VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATIONS DIVISION  
9960 MAYLAND DRIVE, SUITE 400  
RICHMOND, VIRGINIA 23233-1463**

**INTERVIEW MEMORANDUM**

**DATE: October 22, 2007  
FILE NUMBER: 2008-00624  
RESPONDENT: Martin Bertrand**

---

**On September 25, 2007, at 4:08 p.m., Investigator Shelby S. Hill, the Board's agent, interviewed Pam Edwards, with the State of Maryland, Department of Labor, Licensing and Regulation, Division of Occupational and Professional Licensing, Land Surveying Board, by telephone at (410) 230-6263. The following supplemental information was provided:**

**Edwards stated a complaint was recently received concerning Martin Bertrand ("Bertrand"). There records indicate Bertrand is not a licensed professional land surveyor in Maryland.**

**The Land Surveying Board reviewed the complaint on September 5, 2007. A 10 day response letter will be forwarded to Bertrand this week.**

**Edwards will contact the Board's agent once a response is received from Bertrand.**

**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND  
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE  
ARCHITECTS**

Re: Donald Albert Nesmith  
Gainesville, VA 20155

File Number 2007-04062  
License Number 0406000110

**CONSENT ORDER**

Respondent Donald Albert Nesmith ("Nesmith") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects ("Board"), as well as by all other applicable Virginia laws.

Nesmith knowingly and voluntarily waives any proceedings for this matter under the Administrative Process Act, §§ 2.2-4019, 2.2-4020, and 2.2-4021 of the 1950 Code of Virginia, as amended.

**Board's Regulations provides:**

**18 VAC 10-20-790. Sanctions.**

- A. No license, certificate, or registration shall be suspended or revoked, nor shall any regulant be fined unless a majority of the members of the entire board and a majority of the board members of the profession involved, who are eligible to vote, vote for the action. The board may suspend or revoke any license, certificate, certificate of authority or registration, or fine any regulant, if the board finds that:
6. The regulant violates or induces others to violate any provision of Chapters 1 through 4 of Title 54.1 or Chapters 7 and 13 of Title 13.1 of the Code of Virginia, or any other statute applicable to the practice of the professions herein regulated, or any provision of this chapter.

**Historical Notes:**

*Derived from VR130-01-2 §12.11, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 16, Issue 3, eff. December 1, 1999.*

**Print Date:** December 1, 2004

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

By signing this Consent Order, Nesmith acknowledges an understanding of the charges and neither admits nor denies to the violation(s) of the Count(s) as outlined in the Report of Findings. Nesmith consents to the following term(s):

<b>Count 1:</b>	<b>18 VAC 10-20-710.B</b>	<b>\$ 750.00</b>
		-----
	<b>SUB-TOTAL (MONETARY PENALTIES)</b>	<b>\$ 750.00</b>
	<b>BOARD COSTS</b>	<b>\$ 150.00</b>
	<b>TOTAL</b>	<b>\$ 900.00</b>

Any monetary penalties, costs, and/or sanctions are to be paid/performed within thirty days of the effective date of this consent order unless otherwise specifically noted above. Nesmith acknowledges any monetary penalty and/or costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Nesmith will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in § 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

**Nesmith acknowledges that failure to pay any monetary penalty or costs and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Nesmith's license until such time as there is compliance with all terms of this Order. Donald Albert Nesmith understands the right to have this automatic suspension considered in an informal conference pursuant to the Administrative Process Act §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§ 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.**

The effective date of this Order shall be the date of execution by the Board.

**SEEN AND AGREED TO:**

The undersigned represents and affirms that he/she has the authority to legally bind Donald Albert Nesmith, to this Consent Order. The individual, by his/her signature below, acknowledges he/she read the Consent Order, understands it, and agrees that Donald Albert Nesmith, shall be bound by its terms and conditions.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Printed Name and Title

**WITNESSED BY:**

The individual named above signed this document in my presence.

\_\_\_\_\_  
Witness Signature Date

\_\_\_\_\_  
Printed Name and Title

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

BY: \_\_\_\_\_  
Jay W. DeBoer, Secretary

EEO



VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATIONS DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917

REPORT OF FINDINGS

BOARD: Board for Architects, Professional Engineers, Land  
Surveyors, Certified Interior Designers & Landscape  
Architects  
DATE: July 18, 2007  
FILE NUMBER: 2007-04062  
RESPONDENT: Donald Albert Nesmith  
LICENSE NUMBER: 0406000110  
EXPIRATION: May 31, 2009  
SUBMITTED BY: Investigator Gary M. Jenkins  
APPROVED BY: Investigations Supervisor Johnathan Darden

COMMENTS:

File Number 2007-02659 and 2007-04494 are companion cases to this matter.

\*\*\*\*\*

Donald Albert Nesmith ("Nesmith") was at all times material to this matter a licensed Professional Landscape Architect in Virginia (No. 0406000110).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On January 3, 2007, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Kevin M. Keyes ("Keyes"), regarding CS Design/Build, LLC ("CS") t/a BR Design Build. (Exh. W-1 and W-2)

During a review of the documents in File Number 2007-02659, it was discovered that Nesmith had accepted payments for his services from CS unbeknownst to Keyes. Based on this information, a request was made to docket a new file regarding Nesmith, who was operating, at the time of the contract, as Land & Water Design, Inc. ("L&WD"). (Exh. C-1)

\*\*\*\*\*

1. Board Regulation

18 VAC 10-20-710. Conflicts of interest.

- B. The professional shall not accept compensation, financial or otherwise, from more than one party for services on or pertaining to the same project, unless the circumstances are fully disclosed in writing to all parties of current interest.

**Historical Notes:**

*Derived from VR130-01-2 §12.3, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997.*

**Print Date:** December 1, 2004

FACTS:

On December 6, 2004, L&WD entered into a written contract, in the amount of \$8,500.00, with Keyes to provide landscape architectural design services at the Keyes' home located at 7608 Swinks Court, McLean, Virginia, 22102 ("subject property"). Nesmith signed the contract on behalf of L&WD. (Exh. W-3 and R-1a)

On March 3, 2005, CS entered into a written contract with Keyes, in the amount of \$338,290.00, for landscape construction at the subject property. The work included a new walk, stairs, patios, seatwalls, pillars, retaining walls, deck, screened porch, spa, gas fire pit, landscaping, irrigation system, waterproof deck system, and grill enclosure. Changes to the project increased the cost of the construction to over \$375,260.00. Not all changes were made via written change orders. (Exh. W-4 and W-5)

During a review of the depositions taken in the case of Keyes vs. L&WD, filed in the Fairfax Circuit Court, Nesmith gave sworn testimony that he was paid a percentage of the construction costs by CS. Nesmith reported receiving \$23,000.00 from CS for consulting with CS on the project. Nesmith acknowledged, in the depositions, that the fees paid to him by CS were not disclosed in his contract with Keyes nor was it disclosed in the contract between CS and Keyes. Nesmith testified that there was an oral agreement between CS and L&WD as to what percentage L&WD would be paid by CS. (Exh. W-6, pages 26-29, 38-41, and 110-113)

On May 2, 2007, Vivian Myers, Office Manager for L&WD advised Investigator Gary M. Jenkins, the Board's Agent, via e-mail, that L&WD was paid \$8,500.00 by Keyes and \$23,835.50 by CS for the work performed at the subject property. (Exh. R-2)

In a May 25, 2007, written reply to the Fairfax County Consumer Affairs, Nesmith

stated that “the Keyes were verbally informed prior to entering into the contract with the builder, that they could contract with L&WD for consulting services in the construction phase or the builder of their choosing could subcontract L&WD to consult on the project. We have since added to our contracts the above verbal disclosure to prevent any future accusations.” (Exh. R-3)

Note: L&WD consists of three employees including Nesmith. Nesmith is listed as the President of the corporation with the State Corporation Commission. (Exh. I-2)

Nesmith failed to disclose in writing to the Keyes that he was being paid a fee by CS for providing landscape consulting services during the course of construction.

November 6, 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Donald A. Nesmith  
7208 Forkland Way  
Gainesville, VA 20155

In Re: File Number 2007-04062  
Donald A. Nesmith

Dear Mr. Nesmith:

On November 6, 2007, the Landscape Architect Section (“the Section”) of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (“the Board”) met and reviewed the record in the above-referenced case. The record consisted of the proposed Consent Order and the Report of Findings.

**The Section voted to recommend acceptance of the consent order offer.**

The recommendation of the Section will be presented to the Board on **December 13, 2007**, for a final decision in this matter. The meeting will be held at 9:00 a.m. at 9960 Mayland Drive, 2<sup>nd</sup> Floor, Suite 201, Richmond, Virginia 23233.

**Note:** this is a new address for the Department of Professional and Occupational Regulation.

The Board has the authority to accept or reject the Consent Order offer. If the Board decides to take action beyond accepting or rejecting the Consent Order, the Board may present a revised Consent Order, refer the matter to an Informal Fact-Finding Conference, or request the entire file for review at a later Board meeting.

If you intend to appear before the Board, please notify **Mark N. Courtney, with your name and file number, at (804) 367-8514**. You may appear and respond to the Summary before the Board makes its final decision in this matter. You may not present any new evidence.

**Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8500. The Department fully complies with the American with Disabilities Act. Please notify the Department of your request for accommodation as soon as possible for consideration of your request.**

Sincerely,

Earlyne B. Perkins  
Legal Analyst  
Licensing and Regulation Division

September 25, 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Donald A. Nesmith  
7208 Forkland Way  
Gainesville, Virginia 20155

**Re: File No. 2007-04062  
Donald A. Nesmith**

Dear Mr. Nesmith:

Enclosed is a copy of the Consent Order entered into as a proposed settlement in the above-referenced file.

The Consent Order will be presented to the Landscape Architect Section (“the Section”) of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (“the Board”) at its next scheduled meeting on November 6, 2007. The meeting will be held at the Department of Professional & Occupational Regulation, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233, at 9:00 a.m. The Section’s recommendation will be presented to the Board at its next scheduled meeting.

The Board has the authority to *accept* or *reject* the Consent Order. If the Board decides not to accept the Consent Order as presented, the Board may present a revised Consent Order, refer the matter to an Informal Fact-Finding Conference, or request the entire file for review at a later Board meeting. Therefore, payments of penalties/costs should not be remitted until written notification following the Board meeting.

The above-referenced file has been transferred from the Compliance & Investigations Division to the Board section for preparation and presentation to the Section and Board. At the Section and/or Board meeting, you may respond to the Consent Order *only*. You may not present any new information or bring any new witnesses. You will be permitted to speak for five minutes. This is your final opportunity to

make a presentation to the Board before a final decision is made. If you would like to schedule an appointment for the Section and/or Board meeting or have any questions, please contact the Board section at (804) 367-8514.

**Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8500. The Department fully complies with the American with Disabilities Act. Please notify the Department of your request for accommodation as soon as possible for consideration of your request.**

Sincerely,

Complaint Analysis and Resolution

Enclosure

**IN THE  
COMMONWEALTH OF VIRGINIA  
BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND  
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE  
ARCHITECTS**

Re: Carl Edward Duncan  
Powhatan, VA 23139

File Number 2007-01880  
License Number 0402021865

**CONSENT ORDER**

Respondent Carl Edward Duncan ("Duncan") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects ("Board"), as well as by all other applicable Virginia laws.

Duncan knowingly and voluntarily waives any proceedings for this matter under the Administrative Process Act, §§ 2.2-4019, 2.2-4020, and 2.2-4021 of the 1950 Code of Virginia, as amended.

**Board's Regulations provides:**

**18 VAC 10-20-790. Sanctions.**

- A. No license, certificate, or registration shall be suspended or revoked, nor shall any regulant be fined unless a majority of the members of the entire board and a majority of the board members of the profession involved, who are eligible to vote, vote for the action. The board may suspend or revoke any license, certificate, certificate of authority or registration, or fine any regulant, if the board finds that:
6. The regulant violates or induces others to violate any provision of Chapters 1 through 4 of Title 54.1 or Chapters 7 and 13 of Title 13.1 of the Code of Virginia, or any other statute applicable to the practice of the professions herein regulated, or any provision of this chapter.

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

By signing this Consent Order, Duncan acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of



Findings. Duncan consents to the following term(s):

Count 1:	18 VAC 10-20-760.B.2	\$ 600.00
		-----
	<b>SUB-TOTAL (MONETARY PENALTIES)</b>	<b>\$ 600.00</b>
	<b>BOARD COSTS</b>	<b>\$ 150.00</b>
	<b>TOTAL</b>	<b>\$ 750.00</b>

Any monetary penalties, costs, and/or sanctions are to be paid/performed within thirty days of the effective date of this consent order unless otherwise specifically noted above. Duncan acknowledges any monetary penalty and/or costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Duncan will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in § 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

**Duncan acknowledges that failure to pay any monetary penalty or costs and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Duncan's license until such time as there is compliance with all terms of this Order. Carl Edward Duncan understands the right to have this automatic suspension considered in an informal conference pursuant to the Administrative Process Act §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§ 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.**

The effective date of this Order shall be the date of execution by the Board.

**SEEN AND AGREED TO:**

The undersigned represents and affirms that he/she has the authority to legally bind Carl Edward Duncan, to this Consent Order. The individual, by his/her signature below, acknowledges he/she read the Consent Order, understands it, and agrees that Carl Edward Duncan, shall be bound by its terms and conditions.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Printed Name and Title

**WITNESSED BY:**

The individual named above signed this document in my presence.

\_\_\_\_\_  
Witness Signature Date

\_\_\_\_\_  
Printed Name and Title

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

BY: \_\_\_\_\_  
Jay W. DeBoer, Secretary

EOO

VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION  
COMPLIANCE & INVESTIGATIONS DIVISION  
3600 WEST BROAD STREET  
RICHMOND, VA 23230-4917

REPORT OF FINDINGS

BOARD: APELSCIDLA  
DATE: March 8, 2007  
  
FILE NUMBER: 2007-01880  
RESPONDENT: Carl E. Duncan  
LICENSE NUMBER: 0402021865  
EXPIRATION: January 31, 2009  
  
SUBMITTED BY: Investigator Christopher Dodson  
APPROVED BY: Assistant Director Sheon Rose

COMMENTS:

None

\*\*\*\*\*

Carl E. Duncan ("Duncan") was at all times material to this matter a licensed Professional Engineer in Virginia (No. 0402021865).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On November 3, 2006, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Michael L. Koelzer ("Koelzer") regarding Duncan. (Exh. C-1)

In November 2005, Koelzer was retained by David and Joann Anderton ("the Andertons"), owners of a residence at 1434 Palmore Road, Powhatan, VA 23139, to evaluate a set of repair sketches in regards to a repair to a 14-foot high concrete masonry unit ("CMU") basement wall. (Exh. C-1, C-3, I-4)

\*\*\*\*\*

1. Board Regulation

18 VAC 10-20-760. Use of seal.

B. A regulant shall apply a stamp or a preprinted or electronic seal to final and complete original cover sheets of plans, drawings, plats, technical reports and specifications and to each original sheet of plans, drawings or plats, prepared by the regulant or someone under his direct control and personal supervision.

2. Incomplete plans, documents and sketches, whether advance or preliminary copies, shall be so identified on the plan, document or sketch and need not be sealed, signed or dated.

***Historical Notes:***

*Derived from VR130-01-2 §12.8, eff. October 18, 1985; amended, Virginia Register Volume 4, Issue 8, eff. March 1, 1988; Volume 6, Issue 20, eff. September 1, 1990; Volume 7, Issue 14, eff. May 8, 1991; Volume 8, Issue 7, eff. February 1, 1992; Volume 10, Issue 15, eff. May 19, 1994; Volume 13, Issue 23, eff. October 1, 1997; Volume 16, Issue 3, eff. December 1, 1999; Volume 18, Issue 7, eff. March 1, 2002.*

***Print Date:*** December 1, 2004

**FACTS:**

The first of the three sketches referred to in the complaint was stamped, signed and dated by Duncan. (Exh. C-1)

The sketch with the engineering seal does not contain any comment that the sketch is an incomplete, advance or preliminary work. (Exh. C-1)

In a response letter dated February 16, 2007, Duncan stated that the sketch was just “a sketch”, and was “an unfinished concept that was intended for review only”. (Exh. R-1)

On March 7, 2007, Duncan told Christopher Dodson (“Dodson”), the Board’s agent, that he did not add a comment to the sketch he stamped because he felt it should be obvious to anyone it was not a finished product. He stated he sealed the sketch only because he wanted Koelzer to know that he had worked on it. He stated that he may have committed an error in doing so. (Exh. I-2)

October 11, 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Carl E. Duncan  
2609 Rocky Oak Road  
Powhatan, VA 23139

In Re: File Number 2007-01880  
Carl E. Duncan

Dear Mr. Duncan:

On October 11, 2007, the Professional Engineer Section (“the Section”) of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (“the Board”) met and reviewed the record in the above-referenced case. The record consisted of the proposed Consent Order and the Report of Findings.

**The Section voted to accept the consent order offer.**

The recommendation of the Section will be presented to the Board on **December 13, 2007**, for a final decision in this matter. The meeting will be held at 9:00 a.m. at 9960 Mayland Drive, 2<sup>nd</sup> Floor, Suite 201, Richmond, Virginia 23233.

**Note: this is a new address for the Department of Professional and Occupational Regulation, effective August 13, 2007.**

The Board has the authority to accept or reject the Consent Order offer. If the Board decides to take action beyond accepting or rejecting the Consent Order, the Board may present a revised Consent Order, refer the matter to an Informal Fact-Finding Conference, or request the entire file for review at a later Board meeting.

If you intend to appear before the Board, please notify **Mark N. Courtney, with your name and file number, at (804) 367-8514**. You may appear and respond to the Summary before the Board makes its final decision in this matter. You may not present any new evidence.

**Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8500. The Department fully complies with the American with Disabilities Act. Please notify the Department of your request for accommodation as soon as possible for consideration of your request.**

Sincerely,

Earlyne B. Perkins  
Legal Analyst  
Licensing and Regulation Division

July 31, 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Carl E. Duncan  
2609 Rocky Oak Road  
Powhatan, VA 23139

**Re: File No. 2007-01880  
Carl E. Duncan**

Dear Mr. Duncan:

Enclosed is a copy of the Consent Order entered into as a proposed settlement in the above-referenced file.

The Consent Order will be presented to the Land Surveyors Section (“the Section”) of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (“the Board”) at its next scheduled meeting on November 8, 2007. The meeting will be held at the Department of Professional & Occupational Regulation, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233, at 9:00 a.m. **Please note this is a new address for the Department of Professional & Occupational Regulation, effective August 13, 2007.** The Section’s recommendation will be presented to the Board at its next scheduled meeting.

The Board has the authority to *accept* or *reject* the Consent Order. If the Board decides not to accept the Consent Order as presented, the Board may present a revised Consent Order, refer the matter to an Informal Fact-Finding Conference, or request the entire file for review at a later Board meeting. Therefore, payments of penalties/costs should not be remitted until written notification following the Board meeting.

The above-referenced file has been transferred from the Compliance & Investigations Division to the Board section for preparation and presentation to the Section and Board. At the Section and/or Board meeting, you may respond to the Consent Order *only*. You may not present any new information or bring any new witnesses. You will be permitted to speak for five minutes. This is your final opportunity to

make a presentation to the Board before a final decision is made. If you would like to schedule an appointment for the Section and/or Board meeting or have any questions, please contact the Board section at (804) 367-8514.

**Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8500. The Department fully complies with the American with Disabilities Act. Please notify the Department of your request for accommodation as soon as possible for consideration of your request.**

Sincerely,

Susan A. Garbini  
Legal Analyst  
Complaint Analysis and Resolution

Enclosure



July 31, 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Carl E. Duncan  
2609 Rocky Oak Road  
Powhatan, VA 23139

**Re: Date of Section meeting correction  
Carl E. Duncan**

Dear Mr. Duncan:

The purpose of this letter is to notify you that the date of the Section meeting that the Consent Order will be presented as a proposed settlement has changed.

The Consent Order will be presented to the Professional Engineers Section (“the Section”) of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (“the Board”) at its next scheduled meeting **on October 11, 2007**. The meeting will be held at the Department of Professional & Occupation Regulation, 9960 Mayland Drive, Suite 201, Richmond, Virginia 23233, at 9:00 a.m. **Please note this is a new address for the Department of Professional & Occupational Regulation, effective August 13, 2007.** The Section’s recommendation will be presented to the Board at its next scheduled meeting.

The Board has the authority to *accept* or *reject* the Consent Order. If the Board decides not to accept the Consent Order as presented, the Board may present a revised Consent Order, refer the matter to an Informal Fact-Finding Conference, or request the entire file for review at a later Board meeting. Therefore, payments of penalties/costs should not be remitted until written notification following the Board meeting.

At the Section and/or Board meeting, you may respond to the Consent Order *only*. You may not present any new information or bring any new witnesses. You will be permitted to speak for five minutes. This is your final opportunity to make a presentation to the Board before a final decision is made. If you would like to schedule an appointment for

the Section and/or Board meeting or have any questions, please contact the Board section at (804) 367-8514.

**Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8500. The Department fully complies with the American with Disabilities Act. Please notify the Department of your request for accommodation as soon as possible for consideration of your request.**

Sincerely,

Earlyne B. Perkins  
Legal Analyst  
Licensing and Regulation Division

Summary of comments received during public comment period (July 9, 2007 – September 13, 2007, with a public hearing held on September 13, 2007) regarding the proposed regulations. During the public comment period and public hearing, the Board received the following comments from 4 parties:

#	REGULATION #	SUMMARY OF COMMENT(S)
	COMMENTOR'S NAME	<b>PROPOSED</b> BOARD RESPONSE
1	Department of Planning and Budget's Economic Impact Analysis (EIA)	Concurs with the findings in the EIA – costs exceed the benefits; increase the cost to become a photogrammetrist which will decrease the number of available photogrammetrists; state and local agencies will have to pay more for photogrammetric services; and state and local agencies will have to procure photogrammetric services through competitive negotiation which will increase the cost of the services.
	Thomas Conry, Fairfax County, via the Public Comment Forum on the Virginia Regulatory Town Hall ( <a href="http://www.townhall.virginia.gov">www.townhall.virginia.gov</a> ) on September 13, 2007.	<b><i>As stated in the "Agency Response to the EIA," we do not concur with the concerns raised in the EIA.</i></b>
2	Department of Planning and Budget's Economic Impact Analysis	Must balance the need for regulation against the cost of the regulation – only should be regulated for the development of legal documents developed in support of the recognized practice of land surveying. Concurs with DPB's Economic Impact Analysis will increase the cost to local and state governments – recommends that a cost benefit analysis be completed after one year.
	Dan Widner, Coordinator, Virginia Geographic Network, via the Public Comment Forum on the Virginia Regulatory Town Hall ( <a href="http://www.townhall.virginia.gov">www.townhall.virginia.gov</a> ) on September 13, 2007.	<b><i>Concur with the need to regulate to only to the extent necessary to ensure minimal competency and to protect the health, safety and welfare of the public. While there is a cost of regulation, we do not believe it is excessive or burdensome. As stated in the "Agency Response to the EIA," we do not concur with the concerns raised in the EIA.</i></b>
3	Department of Planning and Budget's Economic Impact Analysis	Agrees with the DPB Economic Impact Analysis provided for 18 VAC 10-20. In her 25 years of public service it has been her experience that given similar circumstances professional services contracts generally are more expensive than non professional services contracts. The quality of the work can be controlled by careful attention to specifications, reference checking and proactive contract management. There is no substitute for cost comparison, and the time consuming professional services contracts will raise the price of photogrammetric services.
	Mary Beth Fletcher, Arlington County, via	<b><i>As stated in the "Agency Response to the EIA,"</i></b>

#	REGULATION #	SUMMARY OF COMMENT(S)
	COMMENTOR'S NAME	<b>PROPOSED</b> BOARD RESPONSE
	the Public Comment Forum on the Virginia Regulatory Town Hall ( <a href="http://www.townhall.virginia.gov">www.townhall.virginia.gov</a> ) on September 13, 2007.	<b><i>we do not concur with the concerns raised in the EIA.</i></b>
4	<p>Department of Planning and Budget's Economic Impact Analysis</p> <p>NOTE: The page numbers refer to the page numbers on which the proposed regulations appeared in the <i>Register of Regulations</i> (published July 9, 2007).</p>	<p>On page 3772, the term LIDAR is mis-applied. LIDAR stands for Light Detection and Ranging, not "Laser."</p> <p>On page 3774, it is stated that "most land surveyors ... did not have the knowledge necessary to certify the work of photogrammetrists." Given this admission by surveyors, the regulation is flawed by requiring individuals, expert in photogrammetry, to have experience "under the direct supervision and direction of a licensed land surveyor ..." in order to be licensed. This provision in the regulations, noted below, is a "poison pill" provision.</p> <p>On page 3775, they strongly object to the paragraph that begins, "If no suitable contract is negotiated..." The person who made this comment was stating an opinion, not fact, with no substantiation and with non professional credentials to support such an opinion.</p> <p>The quote from the AG in this context is wrongly placed. The AG's opinion was on licensure, not procurement. This quote is inappropriate and out of context in this section.</p> <p>Additionally, they strongly disagree with the statement that "the proposed regulations will likely suppress development of new remote technologies within the state." Remote sensing technologies are inter-state and international commercial activities. Advancements in other geographic jurisdictions are, can, and will be embraced by practitioners in Virginia. Moreover, the technologies are developed by original equipment manufacturers (OEMs), who are not subject to professional licensing.</p> <p>Similarly, they strongly disagree with the entire discussion on page 3775, column two, on "Projected Impact on Employment." Again, there is no data or substance to the very misleading and erroneous discussion. The experience in other states that have licensed</p>

#	REGULATION #	SUMMARY OF COMMENT(S)
	COMMENTOR'S NAME	<b>PROPOSED</b> BOARD RESPONSE
		photogrammetrists has not had a negative impact on total employment. In fact, this sector has been identified by the Federal Government, U.S. Department of Labor, as one of the highest job growth communities in the American workforce.
	John M. Palatiello, Executive Director, MAPPS, via e-mail on September 13, 2007.	<b>Concur with the comments. As stated in the "Agency Response to the EIA," we do not concur with the concerns raised in the EIA.</b>
5	18 VAC 10-20-295	Under "Approved photogrammetric surveying or similar remote sensing technology experience," they strongly oppose the requirement that training or supervision under the "direction of a licensed land surveyor." As noted above, the report already acknowledges "most land surveyors ... did not have the knowledge necessary to certify the work of photogrammetrists." Moreover, most practicing photogrammetrists who wish to be licensed have worked independent of a licensed land surveyor. This is a "Catch-22" and "poison pill" requirement.
	John M. Palatiello, Executive Director, MAPPS, via e-mail on September 13, 2007.	<b>Do not concur with the comment. The regulation permits acceptable experience to be gained under the "...supervision and direction of a licensed land surveyor, licensed surveyor photogrammetrist, or under the supervision and direction of an individual authorized by statute to practice land surveying or photogrammetry." Therefore, while permitting acceptable experience to be gained under a licensed land surveyor, it does not mandate that as the only way acceptable experience may be obtained.</b>
6	18 VAC 10-20-295 (B)	The reference to "under the supervision of a licensed land surveyor" should be stricken, for the same reasons as stated above.
	John M. Palatiello, Executive Director, MAPPS, via e-mail on September 13, 2007.	<b>It appears that this comment is intended to reference subsection B of 18 VAC 10-20-310 as 18 VAC 10-20-295 does not contain a subsection B.</b>  <b>Do not concur with the comment. The regulation permits acceptable experience to be gained under a licensed land surveyor or licensed surveyor photogrammetrist. Therefore, while permitting acceptable experience to be gained under a licensed land surveyor, it does not mandate that as the only way acceptable experience may be obtained.</b>
7	18 VAC 10-20-295 (C)	Although this section does not specifically use the

#	REGULATION # COMMENTOR'S NAME	SUMMARY OF COMMENT(S) <b>PROPOSED</b> BOARD RESPONSE
		<p>phrase "Approved photogrammetric surveying or similar remote sensing technology experience" or "under the supervision of a licensed land surveyor," it is ambiguous as to what experience will be accepted by the Board. They would strongly oppose any interpretation that such experience must be "under the supervision of a licensed land surveyor."</p> <p>Similarly, with regard to the grandfather provision, (C) 1-5, the regulations should be clarified as to what the Board would accept. A senior, experienced photogrammetrist may not have had algebra, geometry and trigonometry in high school (40+ years ago), but may be a highly qualified, competent. They suggest referring to the standards utilized in Oregon and South Carolina. Moreover, the provision for "a related higher degree of education" must be clarified. It is possible for an individual to earn a degree in surveying or engineering and not take any course work in photogrammetry. It is possible to earn a degree in forestry and have significant course work in photogrammetry. They fear a student in the former would be deemed qualified and the latter would not.</p>
	<p>John M. Palatiello, Executive Director, MAPPS, via e-mail on September 13, 2007.</p>	<p><b><i>It appears that this comment is intended to reference subsection C of 18 VAC 10-20-310 as 18 VAC 10-20-295 does not contain a subsection C.</i></b></p> <p><b><i>Do not concur with the comment. The regulation permits acceptable experience to be gained under a licensed land surveyor or licensed surveyor photogrammetrist. Therefore, while permitting acceptable experience to be gained under a licensed land surveyor, it does not mandate that as the only way acceptable experience may be obtained.</i></b></p> <p><b><i>As to the education, each application pursuant to the grandfather provisions contained in subsection C of 18 VAC 10-20-310 must meet the requirements contained in the first paragraph of subsection C of 18 VAC 10-20-310 which permit the Board some flexibility in evaluating an applicant's total education and experience (combination of at least eight years of board approved education and progressive experience);</i></b></p>

#	REGULATION #	SUMMARY OF COMMENT(S)
	COMMENTOR'S NAME	<b>PROPOSED</b> BOARD RESPONSE
		<b><i>however, the Board believes that evidence of basic education in algebra, geometry and trigonometry are required to safely perform as a surveyor photogrammetrist.</i></b>
8	18 VAC 10-20-350 et. seq.	In this section, and thereafter, on examinations and comity, there is frequent reference to “a Virginia state-specific examination.” And in 18 VAC 10-20-360, it indicated such “examination shall include questions on law, procedures, and practices pertaining to land surveying in Virginia.” These individuals, when licensed, will not be entitled to practice “land surveying”; they will only be entitled to practice “photogrammetry.” It is an unnecessary burden, and again a “Catch-22” and “poison pill” to require these individuals be able to pass an examination on law, procedures, and practices pertaining to land surveying in Virginia. Virginia must establish a state-specific examination on photogrammetry, not land surveying, for these individuals.
	John M. Palatiello, Executive Director, MAPPS, via e-mail on September 13, 2007.	<b><i>It is the Board’s intention to have (and they have started development of) a photogrammetric specific Virginia state-specific examination.</i></b>
9	Overall	Provide an equitable grandfather period for currently practicing, qualified Photogrammetrists to continue their practice, in their area of expertise, in Virginia, and to be licensed to do so. This must be done without requiring untenable experience under the supervision of a land surveyor, who is not competent in photogrammetry.
	John M. Palatiello, Executive Director, MAPPS, via e-mail on September 13, 2007.	<b><i>Do not concur with the comment. The regulation permits acceptable experience for the grandfather provision (subsection C.2 of 18 VAC 10-20-310) to be verified by supervisors and clients – if they are the owner of the company and do not have a supervisor, the Board currently accepts verification from alternate sources and would apply this same practice to the grandfather applicants.</i></b>
10	Overall	Examinations (both parts), specific to photogrammetry, not land surveying, must be implemented. The examinations must test knowledge of photogrammetry, not land surveying.
	John M. Palatiello, Executive Director, MAPPS, via e-mail on September 13,	<b><i>It is the Board’s intention to have (and they have started development of) a photogrammetric</i></b>

#	REGULATION #	SUMMARY OF COMMENT(S)
	COMMENTOR'S NAME	<b>PROPOSED</b> BOARD RESPONSE
	2007.	<b><i>specific Virginia state-specific examination. Further, subsection B of 18 VAC 10-20-350 permits a “board approved surveyor photogrammetrist examination” in lieu of the NCEES Principles and Practice of Land Surveying examination and has funded the development of such an examination by the Colonial States Boards of Surveyor Registration.</i></b>
11	Overall	The regulations are unclear as to when Virginia will close the grandfather period upon adoption of relevant examination(s). The grandfather period must be stipulated, and kept open until the exam(s) are in place, so that the Commonwealth does not create a government-imposed shortage of photogrammetrists. This is what has happened in Florida, and it must be avoided in Virginia.
	John M. Palatiello, Executive Director, MAPPS, via e-mail on September 13, 2007.	<b><i>Do not concur with the comment. Subsection C.5 of 18 VAC 10-20-310 states that the grandfather provisions will expire one year from the effective date of the regulation “...or until such time as the examinations required by 18 VAC 10-20-310.B are available, whichever is later.”</i></b>
12	Overall	A reasonable comity process, specific to photogrammetry, not land surveying, must be implemented.
	John M. Palatiello, Executive Director, MAPPS, via e-mail on September 13, 2007.	<b><i>Do not concur with the comment. Subsection B of 18 VAC 10-20-360 is specifically for surveyor photogrammetrists.</i></b>



Proposed Board for Architects, Professional Engineers,  
Land Surveyors, Certified Interior Designers,  
and Landscape Architects Regulations

**18 VAC 10-20-10. Definitions.**

Section 54.1-400 of the Code of Virginia provides definitions of the following terms and phrases as used in this chapter:

Architect

Board

Certified interior designer

Certified landscape architect

Interior design by a certified interior designer

Land surveyor. When used in this chapter, land surveyor shall include surveyor photogrammetrist unless stated otherwise or the context requires a different meaning.

Practice of architecture

Practice of engineering

Practice of land surveying

Practice of landscape architecture

Professional engineer

The following words, terms, and phrases when used in this chapter shall have the meanings ascribed to them except where the context clearly indicates or requires different meanings:

Proposed Board for Architects, Professional Engineers,  
Land Surveyors, Certified Interior Designers,  
and Landscape Architects Regulations

"Application" means a completed application with the appropriate fee and any other required documentation, including, but not limited to, references, employment verification, degree verification, and verification of examination and licensure or certification.

"Certified" means an individual holding a valid certification issued by the board that has not been suspended, revoked, or surrendered, and is currently registered with the board to practice in the Commonwealth in accordance with § 54.1-405 or 54.1-414 of the Code of Virginia.

"Comity," means the recognition of licenses or certificates issued by other states, the District of Columbia, or any territory or possession of the United States as permitted by § 54.1-103 C of the Code of Virginia.

"Department" means the Department of Professional and Occupational Regulation.

"Direct control and personal supervision" shall be that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his supervision and words and phrases of similar import mean that the professional shall have control over the

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decisions on technical matters of policy and design, and exercises his professional judgment in all professional matters that are embodied in the work and the drawings, specifications, or other documents involved in the work; and the professional has exercised critical examination and evaluation of an employee's, consultant's, subcontractor's, or project team members' work product, during and after preparation, for purposes of compliance with applicable laws, codes, ordinances, regulations and usual and customary standards of care pertaining to professional practice. Further, it is that degree of control a professional is required to maintain over decisions made personally or by others over which the professional exercises direct control and personal supervision.

"Direct control and personal supervision" also includes the following:

1. The degree of control necessary for a professional to be in direct control and personal supervision shall be such that the professional:
  - a. Personally makes professional decisions or reviews and approves proposed decisions prior to their implementation, including the consideration of alternatives, whenever professional decisions that could affect the health, safety, and welfare of the public are made;  
and

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- b. Determines the validity and applicability of recommendations prior to their incorporation into the work, including the qualifications of those making the recommendations.
2. Professional decisions that must be made by and are the responsibility of the professional in direct control and personal supervision are those decisions concerning permanent or temporary work that could affect the health, safety, and welfare of the public, and may include, but are not limited to, the following:
  - a. The selection of alternatives to be investigated and the comparison of alternatives for designed work; and
  - b. The selection or development of design standards and materials to be used.
3. A professional shall be able to clearly define the scope and degree of direct control and personal supervision and how it was exercised and to demonstrate that the professional was answerable within said scope and degree of direct control and personal supervision necessary for the work for which the professional has signed and sealed; and

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4. No sole proprietorship, partnership, corporation, limited liability company, joint venture, professional corporation, professional limited liability corporation, or other entity shall practice, or offer to practice, any profession regulated under this chapter unless there is a resident professional for that service providing direct control and personal supervision of such service in each separate office in which such service is performed or offered to be performed.

"Good moral character" may be established if the applicant or regulant:

1. Has not been convicted of a felony or misdemeanor that has a reasonable relationship to the functions of the employment or category for which the license or certification is sought;
2. Has not, within 10 years of application for licensure, certification, or registration, committed any act involving dishonesty, fraud, misrepresentation, breach of fiduciary duty, negligence, or incompetence reasonably related to the applicant's proposed area of practice;

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3. Has not engaged in fraud or misrepresentation in connection with the application for licensure, certification, or registration, or related examination;
4. Has not had a license, certification or registration revoked or suspended for cause by this state or by any other jurisdiction, or surrendered a license, certificate, or registration in lieu of disciplinary action;
5. Has not practiced without the required license, registration, or certification in this state or in another jurisdiction within the five years immediately preceding the filing of the application for licensure, certification, or registration by this Commonwealth; or
6. Has not, within 10 years of application for licensure, certification, or registration, committed an act that would constitute unprofessional conduct, as set forth in Part XII of this chapter.

“Landscape architect” means an individual who has been certified as a landscape architect pursuant to the provisions of this chapter and is in good standing with the board to practice in the Commonwealth in accordance with § 54.1-409 of the Code of Virginia.

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“Licensed” means an individual who holds a valid license issued by the board that has not been suspended, revoked, or surrendered and who is currently registered with the board to practice in the Commonwealth in accordance with § 54.1-405 of the Code of Virginia.

"Place of business" means any location which offers to practice or practices through licensed or certified professionals the services of architecture, engineering, land surveying, certified landscape architecture and certified interior design, or any combination thereof. A temporary field office established and utilized for the duration of a specific project shall not qualify as a place of business under this chapter.

"Profession" means the practice of architecture, engineering, land surveying, certified landscape architecture, or certified interior design.

"Professional" means an architect, professional engineer, land surveyor, landscape architect or interior designer who is licensed or certified, as appropriate, pursuant to the provisions of this chapter and is in good standing with the board to practice his profession in this Commonwealth.

"Registrant" means a business currently registered with the board to offer or provide one or more of the professions regulated by the board.

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"Regulant" means a licensee, certificate holder or registrant.

“Resident” means physically present in said place of business a majority of the operating hours of the place of business.

"Responsible person" means the individual named by the entity to be responsible and have control of the regulated services offered, or rendered, or both, by the entity.

“Surveyor photogrammetrist” means a person who by reason of specialized knowledge in the area of photogrammetry has been granted a license by the board to survey land in accordance with Chapter 4 of Title 54.1 of the Code of Virginia for the determination of topography, contours and/or location of planimetric features using photogrammetric methods or similar remote sensing technology.

**18 VAC 10-20-280. Fee schedule.**

All fees are nonrefundable and shall not be prorated.

Application for Fundamentals of Surveying	\$ 60
Application for Principles of Surveying	\$ 90



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<u>Application for Surveyor Photogrammetrist</u>	\$ 90
Application for Land Surveyor B	\$ 90
Renewal	\$ 90
Comity	\$ 90
Out-of-state proctor	\$ 100

**18 VAC 10-20-295. Definitions.**

“Absolute horizontal positional accuracy” means the value expressed in feet or meters that represents the uncertainty due to systematic and random errors in measurements in the location of any point on a survey relative to the defined datum at the 95 percent confidence level.

“Approved land surveying experience” means diversified training in land surveying under the supervision and direction of a licensed land surveyor or under the supervision and direction of an individual authorized by statute to practice land surveying. This experience shall have been acquired in positions requiring the exercise of independent judgment, initiative and professional skill in the office and field and written verification of such work experience shall be on forms provided by the board. Experience may be gained either prior to or after education is obtained.

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Notwithstanding the definition of “approved land surveying experience,” the requirements set forth in 18 VAC 10-20-310 shall not be waived.

“Approved photogrammetric surveying or similar remote sensing technology experience” means diversified training in photogrammetric land surveying under the supervision and direction of a licensed land surveyor, licensed surveyor photogrammetrist, or under the supervision and direction of an individual authorized by statute to practice land surveying or photogrammetry. This experience shall have been acquired in positions requiring the exercise of independent judgment, initiative and professional skill in the office and field and written verification of such work experience shall be on forms provided by the board. Experience may be gained either prior to or after education is obtained. Notwithstanding the definition of “approved photogrammetric surveying or similar remote sensing technology experience,” the requirements set forth in 18 VAC 10-20-310 shall not be waived.

“Relative horizontal positional accuracy” means the value expressed in feet or meters that represents the uncertainty due to random errors in measurements in the location of any point on a survey relative to any other point on the same survey at the 95 percent confidence level.

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**18 VAC 10-20-310. Requirements for a licensed land surveyor or surveyor  
photogrammetrist.**

A. \_\_\_\_\_ An SIT who, after meeting the requirements of 18 VAC 10-20-300, has a specific record of four years of approved land surveying experience of which a minimum of three years experience has been progressive in complexity and has been on land surveying projects under the supervision of a licensed land surveyor shall be admitted to an examination in the Principles and Practice of Land Surveying and the Virginia state specific examination. Upon passing such examination, the applicant shall be granted a license to practice land surveying, provided the applicant is otherwise qualified.

B. An SIT who, after meeting the requirements of 18 VAC 10-20-300, has a specific record of four years of approved photogrammetric surveying or similar remote sensing technology experience of which a minimum of three years experience has been progressive in complexity and has been on photogrammetric surveying or similar remote sensing technology projects under the supervision of a licensed land surveyor or licensed surveyor photogrammetrist shall be admitted to a board approved surveyor photogrammetrist examination and the Virginia state specific examination. Upon passing such examinations, the applicant shall be granted a license to

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practice photogrammetric surveying, provided the applicant is otherwise qualified.

C. In lieu of the provisions of subsection B, any person presently providing photogrammetric or similar remote sensing technology services with any combination of at least eight years of board approved education and progressive experience in photogrammetry or similar remote sensing technology, four or more of which shall have been in responsible charge of photogrammetric mapping projects meeting National Map Accuracy Standards or National Standard for Spatial Data Accuracy, or equivalent, may be licensed to practice photogrammetric surveying provided an individual submits an application to the board which provides evidence to the satisfaction of the board of the following:

1. The applicant submits to the board certified proof of graduation from high school or high school equivalency that is acceptable to the board, both with evidence of successful completion of courses in algebra, geometry and trigonometry either by transcript or examination, or certified proof of a related higher degree of education, or other evidence of progressive related higher education acceptable to the board;

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2. The applicant submits to the board satisfactory proof and evidence of employment as a photogrammetrist or similar remote sensing technology in responsible charge as defined in 18 VAC 10-20-310.D providing such services within any of the fifty states, the District of Columbia, or any territory or possession of the United States. Evidence of employment shall include verification of the applicant's progressive experience by their supervisor and by the applicant's clients of the applicant's personal involvement in a minimum of five projects;
  
3. The applicant must submit three references with the application, all of whom shall be licensed land surveyors in a state or territory of the United States;
  
4. The applicant shall certify that they have read and understood Chapter 4 of Title 54.1 and Chapter 17 of Title 55 of the Code of Virginia and this chapter; and
  
5. The applicant shall apply to the board and submit an application fee for licensure within one year of (insert the effective date of

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these regulations) or until such time as the examinations required by 18 VAC 10-20-310.B are available, whichever is later. After (insert the effective date of these regulations plus one year), or when the examinations required by 18 VAC 10-20-310.B become available, whichever is later, no person shall be eligible to apply for licensure as a surveyor photogrammetrist pursuant to this section.

D. Within the context of 18 VAC 10-20-310.C, responsible charge of photogrammetric or similar remote sensing technology mapping projects means technical supervision of:

1. Assessing the project needs and constraints and accuracies;
2. Creating the project plan including determining data standards;
3. Creating overall project specifications;
4. Determining flight lines and appropriate photogrammetric control required for project accuracies and constraints;

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5. Reviewing and approval of aerotriangulation results, prior to map compilation and certification of the final report of project control;
6. Determining the appropriate features to be collected, how they are to be collected, annotated, stored;
7. Editing and reviewing of collected data and features;
8. Reviewing of equipment, technology, and procedures that meet project requirements;
9. Determining final data standards and quality control for a project;
10. Reviewing and approving the final map products, deliverables, files, and spatial data;
11. Checking and editing final map data for specified completeness and accuracies including project reports, metadata, and any associated databases;
12. Project management; and

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13. Other duties requiring decision-making, control, influence, and  
accountability of the project.

E. Any person licensed pursuant to the terms of subsections B or C shall be  
licensed as a surveyor photogrammetrist.

**18 VAC 10-20-340. Experience standards.**

An applicant shall submit written verification from each employment engagement that has been gained under the direct control and personal supervision of a licensed land surveyor, licensed surveyor photogrammetrist, or an individual authorized by statute to practice land surveying on forms provided by the board to be considered by the board as approved land surveying experience.

**18 VAC 10-20-350. Examinations.**

A. The Fundamentals of Land Surveying examination consists of the National Council of Examiners for Engineering and Surveying (NCEES) examination on the fundamentals of land surveying.



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- B. The Principles and Practice of Land Surveying examination consists of an NCEES examination on applied land surveying, or a board approved surveyor photogrammetrist examination, and a Virginia state-specific examination.
  
- C. The examination for land surveying under § 54.1-408 of the Code of Virginia (Land Surveyor B) shall be given at times designated by the board.
  
- D. Unless otherwise stated, applicants approved to sit for an examination must register and submit the required examination fee to be received in the board office, or by the board's designee, at a time designated by the board.  
  
Applicants not properly registered shall not be allowed into the examination site.
  
- E. Applicants shall be notified by the board of passing or failing the examination but shall not be notified of actual scores. Only the board and its staff shall have access to examination papers, scores and answer sheets.  
  
Examinations may not be reviewed.

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- F. Should the applicant fail to pass an examination within three years after being authorized to take the examination, the applicant must reapply and meet all current entry requirements, at the time of reapplication.

**18 VAC 10-20-360. Licensure by comity.**

- A.      A person in good standing and holding a valid license to engage in the practice of land surveying in another state, the District of Columbia, or any territory or possession of the United States may be licensed, provided the applicant submits verifiable documentation to the board that the education, experience, and examination requirements by which the applicant was first licensed in the original jurisdiction were substantially equivalent to those existing in Virginia at the time of the applicant's original licensure. No person shall be so licensed, however, who has not passed an examination in another jurisdiction that was substantially equivalent to that approved by the board at the time of the applicant's original licensure. If the applicant does not meet the requirements for licensure in Virginia that were in effect at the time of original licensure, the applicant shall be required to meet the entry requirements current at the time the completed application for comity is received in the board's office. All applicants shall be required to pass a written Virginia state-specific examination. The examination shall include

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questions on law, procedures and practices pertaining to land surveying in  
Virginia.

B. A person holding a current license to engage in the practice of land  
surveying or photogrammetric surveying issued to the applicant by other  
states, the District of Columbia or any territory or possession of the United  
States based on requirements that do not conflict with and are at least as  
rigorous as the provisions contained in 18 VAC 10-20-310.C may be  
licensed as a surveyor photogrammetrist without further examination  
except for the Virginia state examination provided that the applicant was  
originally licensed prior to the ending date of the provisions contained in  
18 VAC 10-20-310.C.

**18 VAC 10-20-380. Minimum standards and procedures for surveys determining the  
location of physical improvements; field procedures; office procedures.**

A. The following minimum standards and procedures are to be used for surveys  
determining the location of physical improvements on any parcel of land or  
lot containing less than two acres or metric equivalent (sometimes also  
known as "building location surveys," "house location surveys," "physical  
surveys, and the like) in the Commonwealth of Virginia. The application of

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the professional's seal, signature and date as required by these regulations shall be evidence that the survey determining the location of physical improvements is correct to the best of the professional's knowledge, information and belief, and complies with the minimum standards and procedures set forth in this chapter.

- B. The professional shall determine the position of the lot or parcel of land in accordance with the intent of the original survey and shall set or verify permanent monumentation at each corner of the property, consistent with the monumentation provisions of subdivision C 4 of 18 VAC 10-20-370. All such monumentation, other than natural monumentation, shall, when feasible, be identified by temporary witness markers.

When the professional finds discrepancies of sufficient magnitude to warrant, in his opinion, the performance of a land boundary survey (pursuant to the provisions of 18 VAC 10-20-370), he shall so inform the client or the client's agent that such land boundary survey is deemed warranted as a requisite to completion of the physical improvements survey.

The location of the following shall be determined in the field:

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1. Fences in the near proximity to the land boundary lines and other fences which may reflect lines of occupancy or possession.
  2. Other physical improvements on the property and all man-made or installed structures, including buildings, stoops, porches, chimneys, visible evidence of underground features (such as manholes, catch basins, telephone pedestals, power transformers, etc.), utility lines and poles.
  3. Cemeteries, if known or disclosed in the process of performing the survey; roads or travelways crossing the property which serve other properties; and streams, creeks, and other defined drainage ways.
  4. Other visible evidence of physical encroachment on the property.
- C. The plat reflecting the work product shall be drawn to scale and shall show the following, unless requested otherwise by the client and so noted on the plat:

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1. The bearings and distances for the boundaries and the area of the lot or parcel of land shall be shown in accordance with record data, unless a current, new land boundary survey has been performed in conjunction with the physical improvements survey. If needed to produce a closed polygon, the meander lines necessary to verify locations of streams, tidelands, lakes and swamps shall be shown. All bearings shall be shown in a clockwise direction, unless otherwise indicated.
2. North arrow, in accordance with record data.
3. Fences in the near proximity to the land boundary lines and other fences which may reflect lines of occupancy or possession.
4. Improvements and other pertinent features on the property as located in the field pursuant to subsection B of this section.

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5. Physical encroachments including fences, across a property line shall be identified and dimensioned with respect to the property line.
6. On parcels where compliance with restriction is in question, provide the closest dimension (to the nearest 0.1 foot or metric equivalent) from the front property line, side property line, and if pertinent, rear property line to the principal walls of each building. Also, all principal building dimensions (to the nearest 0.1 foot or metric equivalent).
7. Building street address numbers, as displayed on the premises, or so noted if no numbers are displayed.
8. Stoops, decks, porches, chimneys, balconies, floor projections, and other similar type features.
9. Street name(s), as posted or currently identified, and as per record data, if different from posted name.

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10. Distance to nearest intersection, based upon record data. If not available from record data, distance to nearest intersection may be determined from best available data, and so qualified.
11. Building restriction or setback line(s) per restrictive covenants, if shown or noted on the record subdivision plat.
12. The caption or title of the plat shall include: the type of survey performed; lot number, block number, section number, and name of subdivision, as appropriate, or if not in a subdivision, the name(s) of the record owner; town or county, or city; date of survey; and scale of drawing.
13. Adjoining property identification.
14. Easements and other encumbrances set forth on the record subdivision plat, and those otherwise known to the professional.



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15. A statement as to whether or not a current title report has been furnished to the professional.
  16. The professional shall clearly note inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining land(s).
  17. Professional's seal, signature and date.
  18. Name and address of the land surveyor or registered business.
- D. Notwithstanding the monumentation provisions of subsection B of this section or any other provision of these regulations, a professional, in performing a physical improvements survey, shall not be required to set corner monumentation on any property when corner monumentation is otherwise required to be set pursuant to the provisions of a local subdivision ordinance as mandated by § 15.2-2240 of the Code of Virginia, or by subdivision A 7 of § 15.2-2241 of the Code of Virginia, or where the placing of such monumentation is covered by a surety bond, cash escrow, set-aside letter, letter of credit, or other performance guaranty. When monumentation

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is not required, the surveyor shall clearly note on the plat "no corner markers set" and the reason to include name of guarantors.

E. Notwithstanding anything to the contrary in this chapter, this chapter shall be construed as to comply in all respects with § 54.1-407 of the Code of Virginia.

~~F. In no event may this chapter be interpreted or construed to require the professional to perform work of a lesser quality or quantity than that which is prudent or warranted under the existing field conditions and circumstances.~~

**18 VAC 10-20-382. Minimum standards and procedures for surveys determining topography; field procedures; office procedures.**

A. The minimum standards and procedures set forth in this section are to be used for topographic surveys performed in the Commonwealth of Virginia pursuant to Chapter 4 of Title 54.1 of the Code of Virginia. The application of the professional's seal, signature and date as required by these regulations shall be evidence that the topographic survey is correct to the best of the professional's knowledge and belief, and complies with the minimum standards and procedures.

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B. Minimum field and office procedures. The following information shall be shown on or contained in all plats, maps, or digital geospatial data including metadata used to depict the results of the topographic survey:

1. Physical improvements on the property, all man-made or installed structures, as well as visible evidence of underground features (such as manholes, catch basins, telephone pedestals, power transformers, etc.), and utility lines and poles shall be shown or depicted when they are visible based on the methodology and scale. If the methodology or scale prevents the depiction of physical improvements on the property, all man-made or installed structures, as well as visible evidence of underground features (such as manholes, catch basins, telephone pedestals, power transformers, etc.), and utility lines and poles, then such notice shall be clearly stated on or contained in the map, plat, or digital geospatial data including metadata.
  
2. Elevations shall be provided as spot elevations, contours or digital terrain models.

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3. On-site bench mark(s) shall be established with reference to vertical datum, preferably North American Vertical Datum (NAVD), and shown in the correct location.
4. The title of the topographic survey identifying the land surveyed and showing the state, county or city in which property is located.
5. Name of the individual or entity for whom the survey is being performed.
6. Date, graphic scale, numerical scale, and contour interval of plat, map, or digital geospatial data including metadata.
7. Depiction and definition of north used for the survey.
8. Names of highways, streets and named waterways shall be shown.
9. The horizontal and vertical unit of measurement, coordinate system, and datums, including adjustments if applicable.
10. The following minimum positional accuracies shall be met:

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a. Scale and contour interval combinations:

<u>Map or Plat Scale</u>	<u>Contour Interval</u>
<u>1" = 20'</u>	<u>1 or 2 feet</u>
<u>1" = 30'</u>	<u>1 or 2 feet</u>
<u>1" = 40'</u>	<u>1 or 2 feet</u>
<u>1" = 50'</u>	<u>1 or 2 feet</u>
<u>1" = 100'</u>	<u>1 or 2 feet</u>
<u>1" = 200'</u>	<u>2, 4 or 5 feet</u>
<u>1" = 400'</u>	<u>4, 5 or 10 feet</u>

b. Vertical accuracy standards:

	<u>Contours - Vertical</u>	<u>Spot Elevations - Vertical</u>
	<u>Positional Accuracy</u>	<u>Positional Accuracy</u>
<u>Contour line 1' interval</u>	<u>± 0.60 feet</u>	<u>± 0.30 feet</u>
<u>Contour line 2' interval</u>	<u>± 1.19 feet</u>	<u>± 0.60 feet</u>
<u>Contour line 4' interval</u>	<u>± 2.38 feet</u>	<u>± 1.19 feet</u>
<u>Contour line 5' interval</u>	<u>± 2.98 feet</u>	<u>± 1.49 feet</u>
<u>Contour line 10' interval</u>	<u>± 5.96 feet</u>	<u>± 2.98 feet</u>
<u>Positional Accuracy is given at the 95 percent confidence level.</u>		

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c. Horizontal accuracy standards:

<b><u>Well defined ground points - Horizontal (Radial) Positional Accuracy</u></b>		
<u>Map or Plat Scale</u>	<u>Absolute Horizontal Positional Accuracy</u>	<u>Relative Horizontal Positional Accuracy</u>
<u>1" = 20'</u>	<u>± 0.8 feet</u>	<u>± 0.20 feet</u>
<u>1" = 30'</u>	<u>± 1.1 feet</u>	<u>± 0.30 feet</u>
<u>1" = 40'</u>	<u>± 1.5 feet</u>	<u>± 0.40 feet</u>
<u>1" = 50'</u>	<u>± 1.9 feet</u>	<u>± 0.50 feet</u>
<u>1" = 100'</u>	<u>± 3.8 feet</u>	<u>± 1.00 feet</u>
<u>1" = 200'</u>	<u>± 7.6 feet</u>	<u>± 2.00 feet</u>
<u>1" = 400'</u>	<u>± 15.2 feet</u>	<u>± 4.00 feet</u>
<u>Positional Accuracy is given at the 95 percent confidence level.</u>		

The accuracy standards tables as shown are not intended to be acceptable in all situations. The professional shall be responsible to perform the work to the appropriate quality and extent that is prudent or warranted under the existing field conditions and circumstances.

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Metric or other unit of measurements shall meet an equivalent  
positional accuracy.

Map or plat scales, or contour intervals, other than those defined in  
these tables shall meet an equivalent positional accuracy.

11. A statement, in the following form, shall be shown on or contained  
in plats, maps, or digital geospatial data including metadata:

This \_\_\_\_\_ (provide description of the project) was  
completed under the direct and responsible charge of,  
\_\_\_\_\_  
(Name of Surveyor or  
Surveyor Photogrammetrist) from an actual  Ground or   
Airborne (check the one that is applicable) survey made under my  
supervision; that the imagery and/or original data was obtained on  
\_\_\_\_\_  
(Date); and that this plat, map, or digital  
geospatial data including metadata meets minimum accuracy  
standards unless otherwise noted.

**18 VAC 10-20-392. Photogrammetric Surveys.**

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The use of photogrammetric methods or similar remote sensing technology to perform any part of the practice of land surveying as defined in Chapter 4 of Title 54.1 of the Code of Virginia, shall be performed under the direct control and supervision of a licensed land surveyor or a licensed surveyor photogrammetrist.

**18 VAC 10-20-395. Standard of Care.**

In no event may the requirements contained in sections 18 VAC 10-20-280 through 18 VAC 10-20-392 of this chapter be interpreted or construed to require the professional to perform work of a lesser quality or quantity than that which is prudent or warranted under the existing field conditions and circumstances.

**18 VAC 10-20-760. Use of seal.**

- A. The application of a professional seal shall indicate that the professional has exercised complete direction and control over the work to which it is affixed. Therefore, no regulant shall affix a name, seal or certification to a plat, design, specification or other work constituting the practice of the professions regulated which has been prepared by an unlicensed or uncertified person or firm unless such work was performed under the direction and supervision of the regulant while under the regulant's contract



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or while employed by the same firm as the regulant. If a regulant is unable to seal completed professional work, such work may be sealed by another regulant only after thorough review and verification of the work has been accomplished to the same extent that would have been exercised if the work had been done under the complete direction and control of the regulant affixing the professional seal.

- B. A regulant shall apply a stamp or a preprinted or electronic seal to final and complete original cover sheets of plans, drawings, plats, technical reports and specifications and to each original sheet of plans, drawings or plats, prepared by the regulant or someone under his direct control and personal supervision.
  - 1. All seal imprints on the cover or first sheet of final documents shall bear an original signature and date. "Final Documents" are completed documents or copies submitted on a client's behalf for approval by authorities or recordation. In such cases, the cover sheet of the documents or copies shall contain a list of drawings included in the set on which a seal, original signature and date shall be affixed for all regulated disciplines. Every page of the submission, other than the cover, may be reproduced from originals which contain the

Proposed Board for Architects, Professional Engineers,  
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seal, original signature and date by each discipline responsible for the work.

a. An electronic seal, signature and date is permitted to be used in lieu of an original seal, signature and date when the following criteria, and all other requirements of this section, are met:

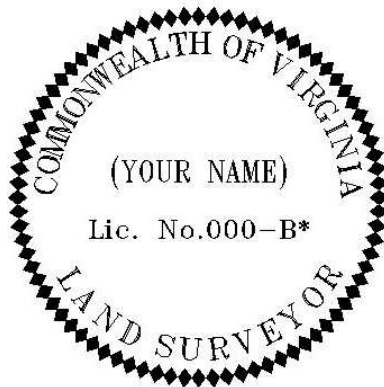
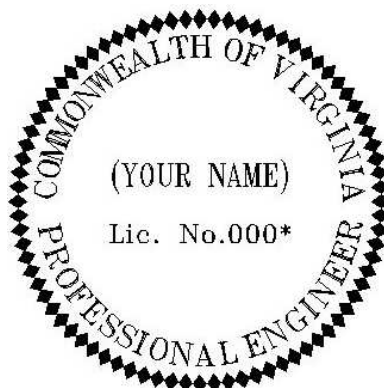
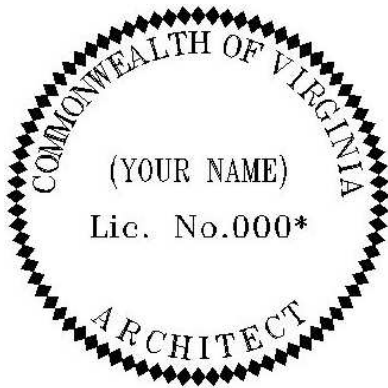
1. It is a unique identification of the professional;
2. It is verifiable;
3. It is under the professional's direct and sole control;
4. It is linked to the document file in such a manner that changes are readily determined and visually displayed if any data contained in the document file was changed subsequent to the electronic seal, signature and date having been affixed to the document; and
5. Changes to the document after affixing the electronic seal, signature and date shall cause the electronic seal, signature and date to be removed or altered in such a way as to invalidate the electronic seal, signature and date.

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- b. In addition, once the electronic seal, signature and date is applied to the document, the document shall be in a view-only format if the document is to be electronically transmitted.
2. Incomplete plans, documents and sketches, whether advance or preliminary copies, shall be so identified on the plan, document or sketch and need not be sealed, signed or dated.
3. All plans, drawings or plats prepared by the regulant shall bear the regulant's name or firm name, address and project name.
4. The seal of each regulant responsible for each profession shall be used and shall be on each document that was prepared under the regulant's direction and for which that professional is responsible. If one of the exemptions found in § 54.1-402 of the Code of Virginia is applicable, a professional licensed or certified by this board shall nevertheless apply his seal to the exempt work.

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5. Application of the seal and signature indicates acceptance of responsibility for work shown thereon.
  
6. The seal shall conform in detail and size to the design illustrated below and shall be two inches in diameter. The designs below may not be shown to scale:



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and Landscape Architects Regulations



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\* The number referred to is the last six-digit number as shown on the license or certificate.

The number is permanent. Leading zeros contained in the six-digit number may be omitted from the seal.



## **Economic Impact Analysis Virginia Department of Planning and Budget**

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**18 VAC 10-20 – Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations**  
**Department of Professional and Occupational Regulation**  
July 29, 2006

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### **Summary of the Proposed Regulation**

As permitted by Chapter 440 (2005 Acts of Assembly), the Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (board) proposes to create a sub-licensure of land surveyors that will encompass photogrammetrists as well as users of any other remote sensing technologies that are currently in use or have yet to be developed. Also pursuant to Chapter 440, individuals are exempted from having to be licensed if they use photogrammetry or other remote sensing methods only to:

- “(i) determine topography or contours, or to depict physical improvements, provided such maps or other documents shall not be used for design, modification, or construction of improvements to real property or for flood plain determination,” or
- “(ii) graphically show existing property lines and boundaries on maps or other documents provided such depicted property lines and boundaries shall only be used for general information.”.

### **Result of Analysis**

The costs likely exceed the benefits for this proposed regulatory change.

### **Estimated Economic Impact**

Photogrammetry, in simple terms, is the practice of using overlapping aerial photographs to map contours and topography or to show physical improvements on the land being mapped. This method has been used since right after World War II as a means to map land more quickly, and at lower cost, than could traditional land surveying techniques.

Photogrammetry is of limited use when mapping areas where foliage blocks the view of the ground and is accurate to set specifications. Thus photogrammetric mapping of forested areas usually would occur in the fall or winter, after trees have dropped their leaves, and contracts for photogrammetric work would include the accuracy specifications required for whatever uses the maps will be put.

Laser Detection and Ranging (LIDAR) mapping is a newer technology that is used for the same end. Instead of overlapping aerial photographs, LIDAR uses information gained from bouncing rays of light (up to 70,000 pulses of light per second) off the ground below. This allows mapping of areas that are forested at any time of the year since some light pulse will go between the leaves of trees and hit the ground below. LIDAR is apparently less useful for mapping shorelines since the pulses of light are absorbed by water and do not very effectively bounce back to the equipment doing the mapping.

Any land under consideration can also now be mapped, again only with specified accuracy, using satellite imagery. Other remote sensing technologies may yet be developed.

Currently, photogrammetrists and users of other remote sensing technologies are not, and historically have not been, required to be licensed. The board proposes to set up a license designation for land surveyor photogrammetrists that will be a discrete sub-licensure of land surveying. The board reports that this sub-licensure will only require competency in a specific sub-set of land surveying skills. This notwithstanding, the board proposes to require photogrammetrists and users of other remote sensing technologies to meet education and experience requirements that are identical in length to those required of land surveyors.

This sub-licensure program does have provisions to allow currently practicing photogrammetrists who meet certain criteria to continue practicing throughout the period that it takes for them to meet all the requirements for licensure.

Currently practicing photogrammetrists who do not meet these criteria, as well as individuals wanting to enter this field, will have to discontinue, or forego, independent practice until they are able to complete a two stage licensure process. They will have to complete a four year degree in an approved field (currently only a degree in land surveying is on this list) or complete a combination of education and experience scaled to the level of education attained. At this stage, individuals will be required to complete up to eight years of supervised work in the

field before they can apply to sit for the exam that, if passed, will gain them a surveyor in training (SIT) designation.

After becoming an SIT, candidates will have to have four more years of supervised work experience, and will have to sit for another competency exam, before they can get their license and start practicing their trade independently.

Photogrammetrists who are able to show that they have at least eight years of board approved education and experience, and can provide evidence for other requirements, will be able to gain licensure without a break in their independent work. The other evidence that these photogrammetrists will have to provide includes:

- Certified proof of graduation from high school (with successful completion of courses in algebra, geometry and trigonometry) or certified proof of other, board accepted higher education.
- Evidence of progressively more responsible work experience, including a supervisor's verification of years worked, and clients' verification of the photogrammetrist's personal involvement in at least five projects.
- Three references written by land surveyors attesting to the qualifications and good character of the candidate.

These licensure standards are consistent with the aims of model laws accepted in 2003 by the National Council of Examiners for Engineers and Surveying (NCEES), and the board considers these standards to be appropriate for this proposed licensure program.

The Department of Professional and Occupational Regulation offers the Board of Professional and Occupational Regulation's (BPOR) 2003 report "Study of the Need to Regulate Photogrammetry" as evidence to support the necessity and appropriateness of the proposed regulation. This report concludes that photogrammetrists and users of other remote sensing technologies ought to be regulated because the public expects such regulation.

The report also offers some anecdotal evidence of harm caused that would support licensure. The report relates that, at several public hearings held on this issue:



“...two commenters relayed information regarding a locality that incurred a significant financial loss due to its reliance on faulty work prepared by a photogrammetrist.”

Upon closer study of hearing transcripts, however, at least one of these commenters appears to be making the point that a locality suffered a financial loss because the specifications in their contract with the photogrammetrist did not give them data that was usable for the purposes they intended. This commenter was very careful to point out that the photogrammetrist involved delivered the exact product outlined in his contract. None of the many localities that testified at the four public hearing held reported that they had been harmed by faulty photogrammetric work.

The report discloses another anecdote from a land surveyor who referenced a private developer who may have had to redesign roads and drainage and sewer systems in a development he was building because the original designs were based on faulty photogrammetric work. There was not enough information provided in the hearing notes to allow independent analysis of this private developer's experience. The board feels that licensure would give consumers of photogrammetric services an additional tool to redress harm caused (other than the currently available options of suing for damages and/or threatening the individuals who's work was sub-par with loss of reputation).

Most land surveyors who testified also felt that they did not have the knowledge necessary to certify the work of photogrammetrists with whom they might work. They felt, that being the case, that there was a benefit in licensing photogrammetrists who could then certify their own work.

The proposed licensure requirements will increase the cost to become a photogrammetrist and, so, in the future, there will likely be fewer individuals to offer these services than there would be without the proposed regulation. As a result of this, both land surveyors, and licensed photogrammetrists will likely gain some earning power. Land surveyors will benefit from the shrinking of the pool of possible substitutes for their own licensed profession. Photogrammetrists who stay in, or enter, the field, despite the barriers presented by licensure, will likely experience a bidding-up effect that would result when the pool of consumers of these services compete for the now more limited number of the photogrammetrists.

In contrast to the benefits listed above that might arise from the licensure, current and future photogrammetrists and users of other remote sensing technologies, as well as consumers of their services, will incur numerous costs on account of this proposed regulation.

The costs that the proposed regulants would experience will vary according to whom they are providing work.

Although it is not likely that they would choose to do so, photogrammetrists could choose to provide only exempt services. If photogrammetrists were to provide only exempt work, they would be able to forgo the licensure process but would also incur opportunity costs attached to the work foregone. In order to do non-exempt work for private firms or individuals, photogrammetrists and others would have to have gone through an arduous licensure process as described above. This process will take, at a minimum, eight years and may take more than 12 years. In order to do non-exempt work for state and local governments, photogrammetrists and others will have to go through the licensure process and they will also have to bear additional costs associated with putting together time consuming and minutely detailed proposals for the competitive negotiation process that statute dictates for governmental entities who want to procure the services of certain professionals.

The costs that consumers of photogrammetric services would experience will also vary according to whether these consumers are private or public entities and, for public entities, will vary according to whether the work product will be used for exempt or non-exempt ends.

Private entities that are contracting work will likely not see much differentiation between the cost of work used for exempt ends and work used for non-exempt ends. The market price of licensed photogrammetrists will rise because the pool of candidates will very likely be smaller than it was before licensure. This market price will dictate that non-exempt work would be more costly than it would be absent licensure. As mentioned above, not many photogrammetrists who continue their work in the field would choose to remain unlicensed. In addition, there appears to be no good substitute pool of candidates that can do photogrammetry but are not photogrammetrists. This being said, private consumers of exempt services are likely to see price increases of approximately the same magnitude as those experienced by private consumers of non-exempt services.

The costs that public consumers of these services will bear are greatly complicated by state procurement statutes that require an extremely proscribed method of procurement for the 11 occupations officially identified as “professions” by the Code of Virginia.

State and local public agencies that intend only to use photogrammetric work product for exempt ends will have to pay an increased price because the market price for licensed photogrammetric will be higher. State and local agencies that need photogrammetric work for non-exempt ends will see even larger cost increases.

Historically, localities that needed photogrammetric work done have decided the maximum error tolerances they can accept (as well as other particulars that ought to be in the contract for that work). They have then put out an Invitation for Bids (IFB) in a public forum. After bids were collected, the individual public employee in charge of procuring this work product awarded the contract to the lowest competent bidder who could meet the requirements set out in the contract. Under the proposed regulation, this procurement method may only be used to contract for photogrammetric work product that will be used solely for exempt ends.

An effect of licensing photogrammetrists, and designating that license as a sub-licensure of land surveying, is that state and local public entities will be forced to use the competitive negotiation process to contract for all photogrammetric work products that may or will be used for non-exempt ends. This means that, in addition to bearing the increased cost caused by the increasing market price for photogrammetric services, these public entities will also see increased costs from this procurement process for “professional” services.

Competitive negotiation is a long and arduous process. When state and local public entities need to contract for the services of a “professional”, they will normally form a committee; in any case, this discussion will assume the formation of a committee. This committee would then have to post a notice of Request for Proposals (RFP) in a public forum *and* publish this notice in a newspaper of general circulation. The committee may not, however, ask that the cost for services be listed in proposals.

After two or more proposals have been collected from possible candidates, the committee will talk with each candidate individually (sometimes repeatedly). During these discussions, the committee may encourage candidates to talk about their qualifications and past performance. After that, the committee ranks candidates and begin negotiations with the first ranked candidate.

If the committee and the first ranked candidate can not agree upon a price, the committee would formally release that candidate from negotiations and move on to negotiating with the second ranked candidate. The committee may move down through the ranked candidates but may not return to negotiating with higher ranked candidates.

If no suitable contract is negotiated with any of the candidates, the committee is forced to start the whole process over. This process is very obviously more time consuming and costly than the IFB process. Bill Shinar, who works for the Virginia Information Technologies Agency (VITA) as the coordinator of the Virginia Geographic Information Network (VGIN), commented on this cost differential at the public hearing held in Richmond. He talked about a large project that he worked on (in 2001) and estimated that it would have cost the state at least two million dollars more if he had had to use a competitive negotiation process. Independent analysis indicates that the cost of this project would have been higher using competitive negotiation although the magnitude of the increase could not be verified.

Although the board believes that the statutory definition of land surveying in the Code of Virginia, as amended in 1984, includes the work done by photogrammetrists (and so localities should have been using the competitive negotiation process all along); there is much controversy on this point. The assistant attorney general (AG) assigned to advise DPOR on legal matters concluded, in 2001, that statutory language granting the board power and setting limits on that grant did not allow the board:

‘... requisite authority to sublicense other recognized professions in this area of practice, or to allow various types of licensure for occupations collateral to land surveying.’

In addition to all other costs, the proposed regulation will likely suppress development and use of new remote sensing technologies within the state. Individuals who have new ideas for possibly better technology will likely be disinclined to develop them in this state, since they would have to gain licensure as land surveyor photogrammetrists first. They would be much more likely to develop their ideas in another state that did not have this requirement. In addition, individuals who wanted to use new technologies that had been developed by others would have to gain licensure first.

## **Businesses and Entities Affected**

The proposed regulation will affect all non-exempt individuals who currently practice photogrammetry or LIDAR mapping or who determine topography and contours or depict physical improvements to land using satellite imagery. The proposed regulation will also affect all users of future remote sensing technologies that might come into use. DPOR estimates that 100-200 individuals will apply for licensure once the proposed regulation is promulgated. In addition, consumers of these services will be affected.

## **Localities Particularly Affected**

The proposed regulation will affect all localities in the Commonwealth. The nature and magnitude of any effects will vary according to whether localities employ, or contract with, photogrammetrists. The effects will also vary according to the use photogrammetric work is put to. All effects are discussed in the Estimated Economic Impact above.

## **Projected Impact on Employment**

Individuals who might want to become licensed photogrammetrists or licensed users of other remote sensing technologies in the future will face significant educational costs and significant opportunity costs for time spent under supervision, time spent gaining required experience and time spent preparing for, and taking, competency examinations. They will also incur explicit costs for exam and licensure fees.

Individuals who currently independently use photogrammetric or other remote sensing methods, but do not meet grandfather requirements, will incur some portion of these same costs as well as the opportunity cost that can be assigned for loss of ability to work independently.

Grandfathered individuals will not have to stop working independently until they can become licensed. They will incur various, relatively minor, explicit costs (such as licensure fees, costs to copy documents and postage cost for mailing documentation) as well as considerable implicit costs (for time spent searching out high school and/or college transcripts, time spent gathering proof of employment and of jobs successfully completed and time spent searching out sources for letters of recommendation).

Because licensure will increase the costs associated with entering into, or remaining in, the affected fields, fewer individuals will find it worthwhile to do so. Thus, the proposed

regulation is likely to have a negative impact on total employment for photogrammetrists and users of LIDAR and other remote sensing technologies.

### **Effects on the Use and Value of Private Property**

Licensing will tend to decrease the pool of practicing photogrammetrists and, other things being equal, increase the revenue for the firms employing this smaller pool of now-licensed professionals.

For the non-exempt work that these firms do for other private firms or individuals, if this increase in revenue is greater than the extra costs incurred (in the licensing process and for higher salaries for licensed photogrammetrists), these photogrammetric or other remote sensing firms will likely earn a greater profit. If, on the other hand, costs associated with licensure exceed any increase in revenue, firms will likely earn less profit.

For the non-exempt work these firms do for localities or the state, if this increase in revenue is greater than the extra costs incurred (in the licensing process, for higher salaries for licensed photogrammetrists and as a result of the method by which state and local agencies must procure their services), these photogrammetric or other remote sensing firms will likely earn a greater profit. If, on the other hand, costs associated with licensure exceed any increase in revenue, firms will likely earn less profit.

Firms will likely have a greater chance of increased profits when working in the private sector than when working for public entities.

### **Small Businesses: Costs and Other Effects**

Most, if not all, 100-200 individuals DPOR estimates will be immediately affected likely currently work for small businesses. DPOR estimates that there are 10-20 such businesses in the Commonwealth. Costs and other effects are listed in the section above.

### **Small Businesses: Alternative Methods that Minimizes Adverse Impact**

Since legislation allows, but does not require, the board to license photogrammetrists and users of other remote sensing technologies; the board has the option of eliminating adverse impacts entirely by not requiring these individuals to be licensed. Barring that, and because there is little clear evidence to support a need for the level of the education/experience requirements in the proposed regulation, the board could choose to require less education/experience for these

individuals. This would minimize the adverse impact of costs associated with becoming licensed but would not affect the costs associated with being labeled “professionals” for the public procurement purposes.

## **Legal Mandate**

The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 2.2-4007.H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007.H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. Further, if the proposed regulation has adverse effect on small businesses, Section 2.2-4007.H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB’s best estimate of these economic impacts.

## **Agency Response to Economic Impact Analysis (EIA) Performed by the Virginia Department of Planning and Budget:**

We do not concur with the concerns raised in the Economic Impact Analysis (EIA).

### **History with NCEES**

Note: The National Council of Examiners for Engineering and Surveying (NCEES) is a group comprised of all the regulatory boards in the United States which regulate the engineering and land surveying professions. NCEES develops the examinations which are used nationwide for the licensing of professional engineers and land surveyors and also provides other services including the development of model laws and regulations.

Starting in the 1990's, NCEES amended its model law for land surveying to include photogrammetry. In the later 1990's NCEES formed a working group of professional associations/societies to study the issue of a revised definition of "the practice of land surveying." This group was headed by Jim Plasker of the American Society for Photogrammetry and Remote Sensing (ASPRS) and developed a new definition of "the practice of land surveying" which included photogrammetry. At its annual meeting in August 2001, NCEES established an NCEES committee to review this information and prepare its own report. The NCEES report recommended that photogrammetry is the practice of land surveying. This information was presented to the NCEES membership at the annual meeting in August 2002 and the results of the report of the committee were distributed to other committees to make the necessary changes to various NCEES documents. At its 82<sup>nd</sup> Annual Meeting held on August 13 -16, 2003, in Baltimore, Maryland, the membership of the NCEES adopted changes to its model law regarding the practice of land surveying which included a revised definition of the practice of land surveying which included photogrammetry as well as provisions for a grandfather clause for practicing photogrammetrists who meet certain requirements (one of which is a combination of 8 years of education and experience).

### **Definition in the Code of Virginia**

Section 54.1-400 of the Code of Virginia states:

"The 'practice of land surveying' includes surveying of areas for a determination or correction, a description, the establishment or reestablishment of internal and external land boundaries, or the determination of topography, contours or location of physical improvements, and also includes the planning of land and subdivisions thereof [emphasis added]. The term 'planning of land and subdivisions thereof' shall include, but not be limited to, the preparation of incidental plans and profiles for roads, streets and sidewalks, grading, drainage on the surface, culverts and erosion control measures, with reference to existing state or local standards. ...."

Photogrammetry is a highly specialized tool that can be used to determine topography, contours or the location of physical improvements and is a tool that can assist with the



planning of land and subdivisions thereof. Photogrammetrists are highly specialized in their field and land surveyors, while knowledgeable in the determination of topography, contours and the location of physical improvements using traditional survey methods and not necessarily skilled in the use of photogrammetric tools, have a broader set of skills including boundary determination, grading, drainage and erosion control measures.

The definition of the “practice of land surveying” as contained in § 54.1-400 of the *Code of Virginia* includes the “... surveying of areas for ... the determination of topography, contours or location of physical improvements, and also includes the planning of land and subdivisions thereof ...” regardless of the tool that is used to accomplish such determination. Therefore, under the current definition in the *Code*, the determination of topography, contours or the location of physical improvements is the practice of land surveying, regardless of the means utilized to achieve such determination, is the practice of land surveying.

### **History with the APELSCIDLA Board**

The APELSCIDLA Board has been working on this issue since 2000. After the Board adopted final regulations in 2001 for the regulation of photogrammetry, the Office of the Attorney General advised the Board “... the General Assembly has not provided the APELSCIDLA Board the requisite authority to sublicense other recognized professions in this area of practice, or to allow various types of licensure for occupations collateral to land surveying. ....”

### **2002 Legislation**

During the 2002 General Assembly session, Delegate Preston Bryant introduced House Bill 1129 which would have codified the grandfather and licensure provisions for “Land Surveyor Photogrammetrists” that the APELSCIDLA Board attempted to adopt via regulations but were later told that they did not have proper statutory authority (see summary of action taken by the APELSCIDLA Board in 2001). After meeting resistance from VGIN and the GIS staff of some localities, the bill was left in committee and, as a result, failed to pass and did not become law.

### **BPOR Study**

After studying the issue of photogrammetry relative to the practice of land surveying for several years, and after the introduction and non-passage of House Bill 1129 in the 2002 legislative session, the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) voted, at its meeting on December 11, 2002, to request that the Board for Professional and Occupational Regulation consider conducting a study of the profession of photogrammetry pursuant to § 54.1-310.A.6 of the *Code of Virginia*.

At its meeting on March 3, 2003, the Board for Professional and Occupational Regulation (BPOR) agreed to conduct the study.

The November 17, 2003, BPOR report concluded that:

The definition of the “practice of land surveying” in the *Code of Virginia* requires that the determination of topography, contours or the location of physical improvements, regardless of the tool utilized to make such determinations, be performed by a regulated professional (a land surveyor). Further, the use of photogrammetric tools to determine topography, contours or the location of physical improvements has the potential to be harmful to the public as others rely on base mapping done by photogrammetrists for construction and planning purposes. The risk of harm will increase as remote sensing technology advances and continues to evolve from a planning tool to a design tool.

In developing a regulatory system for photogrammetrists and users of other remote sensing technologies to determine topography, contours or the location of physical improvements, the questions raised in the **Other Issues** section of this report must be resolved in coming to a workable solution. Therefore, it is recommended that all parties related to the remote sensing industry in Virginia be involved in developing a solution to license remote sensing practitioners who “determine topography or contours for the purposes of design which will lead to construction, or the location of physical improvements for the purposes of design which will lead to construction” (fully licensed land surveyors would be the only ones authorized to determine the location of physical improvements in relation to internal or external land boundaries) under the licensing provisions of the APELSCIDLA Board.

The report from BPOR also included the following information:

Subsequent to the public hearings, individuals requested the opportunity to provide further input. As a result, the following individuals met with Department staff:

Judy Napier, VITA  
William Shinar, VGIN/VITA  
David Maune, ASPRS Potomac Region  
Karen Schuckman, Vice-President, ASPRS  
John Simmers, VDOT  
Michael Zmuda, VDOT  
Wilmer Sirine, land surveyor

All individuals expressed a willingness to work together to develop legislation. There was a consensus that any legislation should include all remote sensing technologies rather than be confined solely to photogrammetry, thereby creating a law that will accommodate future technologies as they are developed.

### **DPOR’s Facilitation Efforts**

Based on a study performed by the Board for Professional & Occupational Regulation of the need to regulate photogrammetry, the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers & Landscape Architects (APELSCIDLA Board)

requested at its December 11, 2003 meeting that the Department of Professional & Occupational Regulation (DPOR) facilitate a stakeholders meeting to formulate legislative language and recommendations for regulations pertaining to the regulation of photogrammetrists. The APELSCIDLA Board further requested that a minimum of three meetings be held.

The committee included:

Doyle B. Allen, Designee for the APELSCIDLA Board;  
Tom Conry, Representative for the Virginia Association of Counties (VACO);  
Joe Coppedge, Designee for the Virginia Association of Surveyors (VAS);  
Mary Beth Fletcher, Designee for the Virginia Municipal League;  
David F. Maune, Representative for the Potomac Region of the American Society for Photogrammetry and Remote Sensing (ASPRS);  
John Palatiello, Executive Director for Management Association for Private Photogrammetric Surveyors (MAPPS);  
William (Bill) Shinar, Virginia Geographic Information Network (VGIN);  
John Simmers, State Photogrammetry Engineer, Virginia Department of Transportation (VDOT);  
Bill Sirine, Rouse Sirine Associates Ltd.;  
Curt Sumner, Executive Director, American Congress on Surveying and Mapping (ACSM); and  
Kevin Nelson, Virginia Association for Mapping and Land Information Systems (VAMLIS).

Initially, four meetings were held - February 19, 2004, March 31, 2004, April 27, 2004, and May 18, 2004. Another meeting was held on September 23, 2004. The work of the committee was the basis for the 2005 legislation.

### **2005 Legislation**

During the 2005 General Assembly Session, Delegate Preston Bryant introduced HB2863. The bill was amended during the legislative process to reflect various concerns that were raised by the stakeholders during the legislative process.

The new and amended regulations are necessary to implement the provisions of HB2863 from the 2005 General Assembly session which granted the APELSCIDLA Board authority to regulate the practice of photogrammetry as a sub-set of the land surveyor profession.

### **APELSCIDLDA Board's Regulatory Development Efforts**

The APELSCIDLA Board formed a committee of individuals representing the various affected constituencies in order to develop draft proposed regulations for the APELSCIDLA Board's consideration. The committee had four meetings (October 13, 2005; December 6, 2005; January 12, 2006; and January 30, 2006). The APELSCIDLA Board adopted the draft prepared by the committee with a few minor modifications. The committee members were:

GIS Community - Larry Stiepek;  
American Congress of Surveying and Mapping (ACSM) - Curt Sumner;  
Former APELSCIDLA member- Doyle Allen;  
APELSCIDLA member - Steve Stephenson;  
Potomac Region of ASPRS – Dave Maune (Back-up - John Simmers), and  
Virginia Association of Surveyors - Douglas A. Richmond.

### **Response to DPB’s Economic Impact Analysis (EIA)**

As noted before, the definition of the “practice of land surveying” as contained in § 54.1-400 of the *Code of Virginia* includes the “... surveying of areas for ... the determination of topography, contours or location of physical improvements, and also includes the planning of land and subdivisions thereof ...” regardless of the tool that is used to accomplish such determination. Therefore, under the current definition in the *Code*, the determination of topography, contours or the location of physical improvements, regardless of the means utilized to achieve such determination, is the practice of land surveying.

The Board does not have discretion as to whether or not to regulate – as previously noted, what photogrammetrists are doing is the practice of the land surveying. The Board has discretion whether to subregulate photogrammetrists or require them to get a land surveyor license. Further, the Board did not ignore this problem – the Board assumed that individuals were complying with the law until it found out otherwise and then worked to find a reasonable solution for the photogrammetrists as well as those individuals who followed the requirements to obtain a license as a land surveyor. The Board decided that sub-regulation of photogrammetrists was the best avenue possible as licensure as a land surveyor, with required knowledge of boundary and deed issues, was not warranted or fair to the photogrammetrists (the Board elected to make it easier for photogrammetrists to obtain the required license by sub-regulation specific to their needs and services).

The EIA does not appear to address that current, established and practicing photogrammetrists have made sizeable investments in their profession to even be practicing in their chosen field (whether it’s regulated or not) – they have to have access to: a plane, pilots and crews; highly sophisticated and accurate cameras and related equipment; and sophisticated equipment to process, interpret and verify the accuracy of the captured images. Any such practitioners who would make such an investment would have multiple years of experience as well as relevant education to even be in the marketplace as a provider of photogrammetric services.

The reasonableness of grandfather provisions (combined 8 years of education and experience) – subsection B of § 54.1-404 states “Any such requirements shall include reasonable provisions for licensure without examination of persons deemed by the Board to be qualified to provide photogrammetric and remote sensing surveying services.” The combined 8 years of experience and education match what is in the NCEES Model Law. North Carolina required 7 years of experience (5 projects within North Carolina) for their grandfather period and South Carolina required 6 to 7 years of combined education and experience. In addition, the Facilitation group

agreed on a combination of 8 years of education and experience for the grandfather period as well as the regulation development committee all agreed that 8 years of education and experience was reasonable for grandfather candidates.

The reasonableness of grandfather provisions (specific course work) - subsection B of § 54.1-404 states “Any such requirements shall include reasonable provisions for licensure without examination of persons deemed by the Board to be qualified to provide photogrammetric and remote sensing surveying services.” The requirement for high school graduates, who do not possess any additional education, to have completed courses in algebra, geometry and trigonometry (see regulation 18 VAC 10-20-310.C.1) is reasonable in that the basis for photogrammetry is based on mathematical and geometric principles. Knowledge of these fundamental concepts is necessary in order to function as a photogrammetrist as it is the rudimentary basis for the generation of the photogrammetric work product.

As to the concern regarding the reasons why the same education and experience requirements (for non-grandfather applicants) are the same for a full land surveyor and a photogrammetric surveyor, here are several issues for consideration:

1. North Carolina, Florida and the NCEES model law all have one license for a land surveyor whether they are practicing as a traditional land surveyor or a photogrammetric surveyor. The NCEES model law calls for 4 years of experience after the LSIT. Therefore, their education and experience requirements are the same regardless of the type of surveying to be performed and a surveyor in these jurisdictions would have to stay in their area of competence so a photogrammetric surveyor would not be allowed to practice traditional boundary line land surveying.
2. South Carolina has separate licenses for traditional land surveyors and photogrammetric surveyors and both require 4 years of experience after the LSIT with a 4 year BS degree.
3. In Virginia, while a traditional land surveyor and a photogrammetric surveyor can both determine topography, contours and the location of physical improvements (and a traditional land surveyor can do other things as well), the tools each would use to do so would be different. A traditional land surveyor would determine topography, contours and the location of physical improvements using traditional surveyor methods while a photogrammetric surveyor would do so using photogrammetric methods and tools. In order for a traditional land surveyor to determine topography, contours and the location of physical improvements using photogrammetric methods, he or she would most likely need additional education, training and experience in that area before being competent to do so (see regulation 18 VAC 10-20-730.A); therefore, the education and experience requirements for a traditional land surveyor and a photogrammetric surveyor are not the same in order for both to determine topography, contours and the location of physical improvements using photogrammetric methods - the traditional land surveyor would need additional education, training and experience in using photogrammetric tools and methods.

I have also excerpted below an e-mail from Doyle Allen (he is a former APELSCIDLA Board member and has been intimately involved in the legislative and regulatory processes for the licensing of photogrammetrists in Virginia) on this topic which also addresses the issue of comity for Virginia's photogrammetric surveyors - to lessen the requirements below what is proposed may very well prevent our photogrammetric surveyors from being licensed in those states which do not have multiple land surveyor license categories.

The following are a few of my [Doyle Allen's] thoughts on the matter of education and experience (E&E) requirements being the same as for LS.

The NCEES model law (national trend) is for photogrammetry to be surveying practice. Therefore, VA present legislation could well be a stepping stone towards one license. Keeping E&E the same for both would prepare for that should the national trend evolve. Surveyor photogrammetrists are cognizant of this and I think that is why they are agreeable to the E&E requirement being the same.

The national trend and comity between states supports the E&E structure. Surveyor Photogrammetrists more than Land Surveyors work in multiple states, therefore E&E as well as exam requirements that support comity is a decided advantage.

The intended E&E regulations were heavily debated as part of working through the legislative process, with all interested parties (surveyors and photogrammetrists) at the table (so to speak). A lot of time and effort went into this process and the "consensus agreement" was for the E&E requirements to be the same and also for the LS fundamentals exam and the PS state specific portion to be the same. There is agreement on these items and to change them would create a lot of misunderstanding and perhaps mistrust.

The E&E requirement as proposed will prepare the candidates to be successful with the exams as structured.

The photogrammetrists have agreed that the E&E requirements are the minimal needed.

Different E&E requirements would most likely require different exam requirements as well and lead to a much higher administrative cost.

Localities were not willing to testify during the public hearings for the BPOR study as to mistakes that had been made as they have no incentive to publicly admit to problems that have occurred and resulted in additional costs to their taxpayers.

As to the extensive procurement issues raised in the EIA – this issue is irrelevant to the appropriateness of the Board's proposed regulations. The General Assembly has already decided that the use of photogrammetric tools for the determination of topography, contours or location of physical improvements, and the planning of land and subdivisions thereof was the practice of

land surveying when they passed HB2863 during the 2005 Session. In addition, the reference to the advice from the AAG in 2001 relative to the procurement issue is also irrelevant; the advice was whether the Board had the authority to sub-regulate and had nothing to do with procurement issues. Further, the Board's regulatory program will not change procurement law – it will not “force” state and local public entities to procure non-professional services (exempt photogrammetric services) through competitive negotiation; they can still be obtained through the IFB process. The Department of Professional and Occupational Regulation routinely uses the competitive negotiation process to obtain examination development and administration services and does not find the process to be cumbersome or burdensome. It allows for the procuring entity to obtain exactly what it desires through a negotiated process. While it may take a little while longer than merely issuing IFB's and tabulating the responses, it ultimately results in the acquisition of services available from the marketplace which best meet the needs of the procuring agency.

As to the contention by Bill Shinar during the BPOR study that the procurement of the Virginia base mapping project in 2001 would have cost an additional \$2,000,000 if it had been obtained through competitive negotiation is merely his opinion and not substantiated by facts. Further, the 2001 base mapping project was not done at a scale or grade that the resulting finished product would be considered usable for designing improvements to real property; therefore, with the regulatory program and associated exemptions established by HB2863 during the 2005 Session, VGIN would not be forced to procure such services in the future through competitive negotiation whereas in the past, it could be argued that they should have been obtaining such services through competitive negotiation. As to the last point, in 2001 the Board received an inquiry from MAPPS as to whether an IFB issued by VGIN was for the practice of land surveying (a professional service) – the Board reviewed the documentation and opined that portions of the IFB were for the practice of land surveying (the Board did not address how such services as to be procured by a state agency as that is outside the Board's scope of authority). The changes to the law made by HB2863 will prevent this from happening in the future.

The proposed licensure process is consistent with other states and the NCEES Model Law and is no more arduous than for a traditional land surveyor. The number of licensed land surveyors in Virginia continues to grow which indicates that the process is not excessive. Further, as part of the BPOR study process, DPOR representatives met with employees of the photogrammetric firm “Air Survey” located in Dulles, Virginia. The regulatory scheme being proposed took into account the thoughts and opinions expressed by the employees of Air Survey as to a reasonable regulatory program.

### **Conclusion**

The Board's proposed regulations have been developed over approximately the last 6 years in concert with the affected constituents through a lengthy and difficult process. To say that the work product that has been reached at this stage is not reasonable, apparently based on nothing more than an opinion of what is reasonable, will unravel the last 6 years of effort and work by the Board, the Department, the legislature, and the affected stakeholders. In addition, the proposal is consistent with the NCEES Model Law as well as what other jurisdictions have

adopted. The requirements outlined in the proposed regulations are appropriate and reasonable and comport with statutory requirements.





Virginia  
Regulatory  
Town Hall

[townhall.virginia.gov](http://townhall.virginia.gov)

## Proposed Regulation Agency Background Document

<b>Agency name</b>	DPOR/ Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 10-20
<b>Regulation title</b>	Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects Rules and Regulations
<b>Action title</b>	Develop necessary regulations to implement a regulatory program for photogrammetrists
<b>Date this document prepared</b>	April 3, 2006

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.*

The purpose of the proposal is to make the following changes:

Develop necessary regulations to implement a regulatory program for photogrammetrists, including standards for determination of topography, as permitted by HB2863 from the 2005 session of the General Assembly.

Other changes which may be necessary may also be considered.

## Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

§§ 54.1-404, 54.1-411.C, 13.1-549 and 13.1-1111 of the Code of Virginia authorize the Board to promulgate regulations for a regulatory system. While the Board is mandated to establish regulations, the content of the regulations is at the discretion of the Board.

## Purpose

*Please explain the need for the new or amended regulation by (1) detailing the specific reasons why this regulatory action is essential to protect the health, safety, or welfare of citizens, and (2) discussing the goals of the proposal, the environmental benefits, and the problems the proposal is intended to solve.*

The new and amended regulations are necessary to implement the provisions of HB2863 of the 2005 General Assembly session which granted the APELSCIDLA Board authority to regulate the practice of photogrammetry as a sub-set of the land surveyor profession. This regulatory program will allow photogrammetrists to be licensed in an appropriate manner while ensuring the public is adequately protected through minimum competency standards of practice for individuals who are integral in the process of constructing improvements on real property and determining flood plains.

## Substance

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (More detail about these changes is requested in the "Detail of changes" section.)*

The Board will develop regulations to implement a regulatory program for photogrammetrists, including standards for determination of topography, in accordance with the provisions of § 54.1-404.B of the Code of Virginia as follows:

*B. The Board may impose different licensure requirements for a limited area of the practice of land surveying for persons who determine topography, contours, or depiction of physical improvements utilizing photogrammetric methods or similar remote sensing technology who are not otherwise exempt pursuant to subsection C of § 54.1-402. Any such requirements shall include reasonable provisions for licensure without examination of persons deemed by the Board to be qualified to provide photogrammetric and remote sensing surveying services.*

*Any license issued pursuant to this subsection shall be distinctive, reflecting the limited area of the practice of land surveying so authorized, and considered as a land surveyor and the practice of land surveying for the purposes of §§ 13.1-549, 13.1-1111, 54.1-402, 54.1-405, 54.1-406 and 54.1-411. Nothing herein shall be construed to authorize a person issued a limited license pursuant to this subsection to practice beyond such limited area of practice. The*

*establishment of any such limited license shall not prohibit any duly qualified land surveyor licensed pursuant to § 54.1-400 from engaging in any such limited area of practice.*

The proposed change is being considered as a study by the Board for Professional and Occupational Regulation determined that the practice of photogrammetry does affect the health, safety and welfare of the public. Further, in order to adequately protect the public, the General Assembly granted the APELSCIDLA Board the authority to develop the necessary regulatory program.

Other changes which may be necessary may also be considered.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

*If the regulatory action poses no disadvantages to the public or the Commonwealth, please so indicate.*

The public and those associated with the development of real property will now have a pool of qualified photogrammetrists from which to select. In addition, the Board will have the authority to discipline those regulants who show themselves to be a danger to the public. The photogrammetrists will bear the costs of the regulatory program; however, the expense is expected to be minimal (on par with what Land Surveyors currently pay) and should not have an adverse impact on the profession. The GIS community is exempted from this licensure program and should not be adversely affected.

**Requirements more restrictive than federal**

*Please identify and describe any requirement of the proposal which are more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.*

Not applicable.

**Localities particularly affected**

*Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.*

Not applicable.

**Public participation**

*Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.*

In addition to any other comments, the agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to Mark N. Courtney, Executive Director, DPOR, 3600 West Broad St., Richmond, VA 23230, Phone (804) 367-8514, FAX (804) 367-2475, APELSCIDLA@dpor.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last date of the public comment period.

A public hearing will be held and notice of the public hearing may appear on the Virginia Regulatory Town Hall website ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

**Economic impact**

*Please identify the anticipated economic impact of the proposed regulation.*

<b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</b>	See below.
<b>Projected cost of the regulation on localities</b>	See below.
<b>Description of the individuals, businesses or other entities likely to be affected by the regulation</b>	See below.
<b>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected.</b> Small business means a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.	See below.
<b>All projected costs of the regulation for affected individuals, businesses, or other entities. Please be specific. Be sure to include the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses.</b>	See below.

**Land Surveyors - Photogrammetrists  
Fiscal Impact of Proposed Regulation**

**Summary:**

This proposed regulatory change will include the addition of Photogrammetrists as a new regulatory program within the APELSCIDLA Board. This includes standards for the determination of topography, as permitted by HB2863 from the 2005 session of the General Assembly. This regulatory program will be a sublicense of the existing land surveyor license program.

All costs incurred in support of board activities and regulatory operations are paid by the department and funded through fees paid by applicants and licensees. All boards within the Department of Professional and Occupational Regulation must operate within the Code provisions of the Callahan Act (54.1-113), and the general provisions of 54.1-201. Each regulatory program's revenues must be adequate to support both its direct costs and a proportional share of agency operating costs. The department allocates costs to its regulatory programs based on consistent, equitable, and cost-effective methodologies. The board has no other source of income.

**Fiscal Impact:**

	FY 2006	FY 2007	FY2008	FY2009	FY2010	FY2011
Fund	NGF (0900)	NGF (0900)	NGF (0900)	NGF (0900)	NGF (0900)	NGF (0900)
Program/Service Area	560 44	560 46	560 46	560 46	560 46	560 46

Impact of Regulatory Changes:						
One-Time Costs	0	26,000	0	0	0	0
Ongoing Costs	0	0	0	0	0	0
Total Fiscal Impact	0	26,000	0	0	0	0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

**Description of Costs:**

One-Time: One-time costs include computer licensing system changes and exam development costs.

Ongoing: No additional ongoing costs are expected.

Cost to Localities: No change anticipated.

**Description of Individuals, Businesses, or Other Entities Impacted:** Individuals and associated firms that will provide photogrammetric services for the determination of topography/location of physical improvements for the purposes of constructing improvements to real property and/or flood plan determination.

**Estimated Number of Regulators:** Approximately 100 to 200 individuals and firms.

**Projected Cost to Regulators:** No change in licensing fees is anticipated as a result of these regulatory changes. Based on current fees, it will cost the regulant \$90 to become licensed, and \$45 annually to remain licensed.

### Alternatives

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in §2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.*

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The Board will consider any and all comments received during the comment periods as to any proposed alternatives.

### Regulatory flexibility analysis

*Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

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The regulations were developed with consideration that the photogrammetric industry consists of small businesses. The Board considers that the regulatory methods implemented were promulgated to accomplish the applicable law while minimizing the adverse impact on small businesses and are consistent with the regulation of small businesses of other professions regulated by the APELSCIDLA Board.

### Public comment

*Please summarize all comments received during public comment period following the publication of the NOIRA, and provide the agency response.*

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No public comment was received during the NOIRA public comment period.

### Family impact

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

The contemplated changes are not anticipated to have any significant impact on Virginia's families.

**Detail of changes**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.*

*If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.*

For changes to existing regulations, use this chart:

The rationale for the changes in the following chart are as follows: the new and amended regulations are necessary to implement the provisions of HB2863 of the 2005 General Assembly session which granted the APELSCIDLA Board authority to regulate the practice of photogrammetry as a sub-set of the land surveyor profession. This regulatory program will allow photogrammetrists to be licensed in an appropriate manner while ensuring the public is adequately protected through minimum competency standards of practice for individuals who are integral in the process of constructing improvements on real property and determining flood plains.

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change and rationale</b>
18 VAC 10-20-10		N/A	Add appropriate definitions for the "Surveyor Photogrammetrist" license program.
18 VAC 10-20-280		N/A	Add appropriate fee for the "Surveyor Photogrammetrist" licensure program.
18 VAC 10-20-295		N/A	Add appropriate land surveyor specific definitions for the "Surveyor Photogrammetrist" license program pertaining to acceptable experience and accuracy standards.
18 VAC 10-20-300		N/A	Change the reference to the "Land Surveyor-In-Training" designation to the "Surveyor-In-Training" designation.
18 VAC 10-20-310		N/A	Add entry provisions for the "Surveyor Photogrammetrist" license program including grandfather provisions.
18 VAC 10-20-340		N/A	Amend to include reference to the "Surveyor Photogrammetrist" license program.
18 VAC 10-20-350		N/A	Amend to include examination requirements for the "Surveyor Photogrammetrist" license program.
18 VAC 10-20-360		N/A	Amend to include requirements for comity applicants for the "Surveyor Photogrammetrist" license program.

18 VAC 10-20- 380		N/A	Delete subsection F and move to a more appropriate place in the regulations (see 18 VAC 10-20-395).
	18 VAC 10- 20-382	N/A	Add standards for the determination of topography.
	18 VAC 10- 20-392	N/A	Add a section that the performance of photogrammetric surveys for the practice of land surveying (as defined in Chapter 4 of Title 54.1) must be performed by a land surveyor or surveyor photogrammetrist.
	18 VAC 10- 20-395	N/A	Move the <i>Standard of Care</i> provision for land surveyors from subsection F of 18 VAC 10-20-380 to a more appropriate place as it applies to all surveys; not just those surveys for the determination of the location of physical improvements.
18 VAC 10-20- 760		N/A	Add a seal image for the Surveyor Photogrammetrist license holders.



**Commonwealth of Virginia  
Department of Professional and Occupational Regulation**

**Memorandum**

**TO:** APELSCIDLA Board

**FROM:** Sharon M. Sweet  
Director, Office of Education and Examinations

**DATE:** November 6, 2007

**RE:** Landscape Architect Examination Fee Increase

The Examination Purchase Agreement with the Council of Landscape Architectural Registration Boards (CLARB) for the purchase of the Landscape Architect Registration Examination (LARE) for June 2008 through December 2009 requires fee increases. The current fees for December 2007 and June 2008 are noted below as are the increases through December 2009.

The administrative fees have already been approved in the current contract with Professional Credential Services, Inc. (PCS)

Please approve the fees for the LARE for December 2008 through December 2009.

**Landscape Architect Registration Examination**

Current examination plus administration costs for December 2007 and June 2008

	CLARB	+	PCS	Total Candidate Fee
C=	260	+	50	= \$310
E=	260	+	50	= \$310

New examination plus administration costs for December 2008 and June 2009

	CLARB	+	PCS	Total Candidate Fee
C=	270	+	50	= \$320
E=	270	+	50	= \$320

New examination plus administration costs for December 2009

	CLARB	+	PCS	Total Candidate Fee
C=	276	+	50	= \$326
E=	276	+	50	= \$326

# **MEMORANDUM OF AGREEMENT**

## **BETWEEN**

**THE INSTITUTION OF ENGINEERS AUSTRALIA  
(TRADING AS ENGINEERS AUSTRALIA)**

## **AND**

**VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,  
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND  
LANDSCAPE ARCHITECTS**

**VIRGINIA DEPARTMENT OF PROFESSIONAL  
AND OCCUPATIONAL REGULATION**

### **I. PURPOSE**

To protect the health, safety and welfare of the citizens of Australia and Virginia, while fostering international commerce, this MEMORANDUM OF AGREEMENT enumerates the responsibilities of The Institution of Engineers Australia (trading as Engineers Australia); the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA Board); and the Virginia Department of Professional and Occupational Regulation (DPOR) to allow licensed, qualified practitioners of the engineering profession to practice in the other's jurisdiction subject to the qualifications and limitations enumerated herein.

The Institution of Engineers Australia (trading as Engineers Australia) operates the National Professional Engineers Register (NPER) – the national licensing system for engineering in Australia. The APELSCIDLA Board, housed within the DPOR, operates the licensing system for engineering in the Commonwealth of Virginia.

### **II. TERMS OF AGREEMENT**

Engineers who are licensed in Australia by The Institution of Engineers Australia (trading as Engineers Australia) and listed on the National Professional Engineers Register (NPER) may practice in Virginia as a consultant to a Virginia licensed professional engineer, provided they are under the direct control and personal supervision of the Virginia licensed professional engineer.

Engineers who are licensed in Virginia by the APELSCIDLA Board may practice in Australia as a consultant to an Australian licensed engineer, provided they are under the direct control and personal supervision of the Australian licensed professional engineer.

This MEMORANDUM OF AGREEMENT does not permit a licensee of one jurisdiction to: (i) use title(s) restricted by law or regulation to those who hold a license issued by the appropriate licensing body in the other jurisdiction; or (ii) to offer or provide engineering services restricted by law or regulation to those who hold a license issued by the appropriate licensing body in the other jurisdiction, unless he qualifies for and possesses a current, valid license issued by the other jurisdiction.

This MEMORANDUM OF AGREEMENT will be effective from the date signed below until such time as the parties hereto enter into another MEMORANDUM OF AGREEMENT, or mutually agree to cancel this AGREEMENT with at least 30 days written notice.

It is mutually agreed that any amendments, deletions, or additions to this AGREEMENT may be made by letter signed by the Chair of the APELSCIDLA Board, the Director of DPOR, and the \_\_\_\_\_ of The Institution of Engineers Australia (trading as Engineers Australia).

The persons executing this MEMORANDUM OF AGREEMENT on behalf of their respective entities hereby represent and warrant that they have the right, power, legal capacity, and appropriate authority to enter into this MEMORANDUM OF AGREEMENT on behalf of the entity for which they sign.

\_\_\_\_\_  
Stanley C. Harris, Chair  
Virginia Board for Architects, Professional  
Engineers, Land Surveyors, Certified Interior  
Designers, and Landscape Architects

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jay W. DeBoer, JD, Director  
Virginia Department of Professional &  
Occupational Regulation

\_\_\_\_\_  
Date

\_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_  
The Institution of Engineers, Australia  
Engineers Australia

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**DRAFT**

**Consideration of Distinguished Service Award Nomination for  
Wilmer F. Sirine, II**

**Consideration of Northeast Zone Award Nomination for Doyle B. Allen**



Dean E. Hawkins, ASLA  
Landscape Architects & Land Development Planners

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2 October 2007

Mr. Mark Courtney, Director  
APELSCIDLA Board  
Department of Professional Regulation  
Commonwealth of Virginia  
3500 West Broad Street  
Richmond, VA 23230-4917

Received  
OCT - 4 2007  
AAB

Dear Mr. Courtney:

This letter is written to you today with reference to a particular project and to all projects which I have had and will have in the future. Specifically, my request concerns the acceptance, review and approval of site plans which I prepare and their subsequent revision by regulatory agencies in the State of Virginia.

Over the past few years, I have been called into question by reviewing agencies, particularly VDOT, about my ability as a Certified Landscape Architect to have site plans approved by them as submitted under my professional seal and signature. In particular, the issue seems to be that of stormwater drainage design. I realize that you have had recent conversations over the past years concerning this matter. I have received copies of several e-mails and letters on the subject, all of which, when they reached your desk for an opinion, concurred with me that Certified Landscape Architects are qualified to perform such work.

In my situation, I have had my work time and again called into question with respect to this issue, not because of deficient design but because of my use of the C.L.A. seal and certification. Enclosed you will find copies of letters pertaining to the subject, especially with the Petersburg VDOT Residency. This matter has gone from a nuisance to a serious issue in my attempt to conduct my business. The Petersburg VDOT Residency has continued to thwart my efforts to have my work approved under my seal and signature. The letter to Debbie Williams dated today describes a situation which has brought me to this point of writing you.

State Delegate Glenn Oder has been working with me and on behalf of all Certified Landscape Architects to try to reconcile this matter with VDOT and has said that he believes that, after recent discussions with VDOT, there will be no further problems. I hope that this is the case as I am too busy to continue to have to stop and pay attention to this every time it arises. Del. Oder in the past has amended the state code concerning the submission of plans with the substitution of the word "may" with "shall" in regards to

acceptance of submissions, leaving no doubt that Certified Landscape Architects should be considered as competent in the filing and eventual approval of their work.

Having said all of this, I would like to request that the DPOR provide me personally or to all Certified Landscape Architects in general with a letter or memorandum of understanding stating the obvious, that Certified Landscape Architects are qualified to design closed stormwater drainage systems as a part of site plan designs. In addition and on a separate note, some local county and city ordinances are in conflict to state code where some say only P.E. and Class 3B L.S. personnel may submit site plans. where some state that P.E, L.S., Architects and C.L.A. may submit plans. Would the DPOR be able to also clarify this matter as well by determining that state code supersedes a local ordinance?

I thank you in advance for your attention to this matter. While a minor point to most people, it means everything to me a long time practitioner who is proud of my professional contribution to my community and the ability to participate in my chosen profession. Please contact me with any questions or comments.

Yours truly,



Dean E. Hawkins, ASLA  
Virginia Certified Landscape Architect #008

Enc: VDOT letter dated August 24, 2005  
Dean E. Hawkins, ASLA letter dated 2 October 2007

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Dean E. Hawkins, ASLA  
Landscape Architects & Land Development Planners

2 October 2007

Debbie Williams  
VDOT Petersburg Residency  
4608 Boydton Plank Road  
Petersburg, VA 23803-6532

RE: South Crater Road Uppy's

Dear Debbie:

It has been many weeks since I last submitted a revised Traffic Impact Study for this project as per your review letter dated June 28, 2007. This was done to address your previous review comments mainly concerning the relocation and the closure of existing entrances and traffic counts to the existing convenience store. With the entrances now relocated and the traffic study resubmitted, when will I receive your latest review comments? If subsequent comments have already been sent, please excuse me as I cannot find them. I would appreciate your sending me a new copy. Your letter listed 8 comments but also stated that there were "too many other comments at this time to document". You suggested a meeting with the owner the landscape architect and county staff to discuss the outstanding issues. I was not been advised of the additional comments or a subsequent meeting, which has been held as described below.

On a separate and really more serious note, I must ask you a question which I feel is necessary for this and all other projects to come. It is a question which may be moot now to this particular project. In Uppy's frustration to the time it has taken to get this project underway, I believe my client met with you and another person at VDOT to discuss the status of the site plan review. At this meeting, you shared your review with them, showing them a set of my plans you used as a working copy with your red-lined comments. I am used to seeing a review such as this, but more likely it comes to me in the form of a letter with each issue described which needs attention. After seeing this set of plans, my client became concerned I guess at the amount of comments. These comments may have had some relationship to another proposed convenience store across South Crater Road, but that is really not the issue as each site should stand alone.

What greatly concerns me is not only have I yet to receive your comments, but at that meeting my client says he was told by VDOT that I, as a Certified Landscape Architect, was not qualified to prepare these site plans. As you can imagine, my client became enraged and immediately contacted me and demanded that I deliver a copy of my plans to him. He also at that time informed me that any further need for my services were

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terminated. I assume they have retained another firm. If what he says is true, I cannot convey to you the shock I experienced that VDOT would make such a remark. You and I have had this discussion before, and I thought it was clarified that Certified Landscape Architects are qualified to perform this work, as outlined in the Code of Virginia. Other such instances regarding Certified Landscape Architects have been referred to DPOR and clarified specifically for the use of VDOT officials.

It now is really too late for me to worry any further about this project or this former client. What I need from you is a reply as to the validity of what I was told was said by VDOT concerning my qualifications. This is paramount as I must reply to this former client and others in the future in an attempt to salvage and maintain my reputation. That from my perspective, above all else, is the most important issue here.

Yours truly,



Dean E. Hawkins

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# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

P.O. BOX 3402

COLONIAL HEIGHTS, VA 23834

GREGORY A. WHIRLEY  
ACTING COMMISSIONER

August 24, 2005

Dean E. Hawkins, ASLA  
5741 Elfinwood Road  
Chester, VA 23831

RE: South Crater Road Uppy's

Dear Dean,

Following is a point-by-point response to your letter dated 18 August 2005. Several outstanding items have not been addressed from previous correspondence. The owners ability to meet his construction schedule may be jeopardized by delaying a response to what is being asked for by the Department.

1. A Professional Engineer's seal is needed on the plans for the drainage design.
2. The new easement shall be 16 feet wide centered on the storm sewer to allow for access without encroachment if future maintenance of the facility is required.
3. The reference to the Institute for Transportation Engineers "Trip Generation", 7<sup>th</sup> Edition, Land Use: 845 (Gasoline/Service Station with Convenience Market) is incorrect. The correct land use is 945. Although the number of fueling stations will not increase, there will be an increase in traffic to the site because of the change in use (food service). Therefore, the traffic patterns will change and increase by capturing additional local traffic stopping by for a sandwich to go.
4. "Since the site has two existing entrances" does not translate into VDOT approving a site plan that does not meet current commercial entrance standards. Today's entrances shall meet today's standards. As discussed in previous conversations and letters, the northern entrance shall be abandoned and one commercial entrance shall be permitted to access the site. How the internal circulation of traffic occurs is entirely up to the design engineer and County approval.
5. No comment.
6. See note 1.
7. With the background traffic on 301, South Crater Road, and the site generated traffic left and right turn lanes must be constructed to access this site because warrants have been met.

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Dean E. Hawkins  
Page Two

8. VDOT has consistently requested a Master Plan for the development along this corridor without success. Without the benefit of a Master Plan in place, the reviewing authority is having to "fit" the components required for the development and this is certainly not in the best interest of land development and access management planning along the network of roads serving the traveling public.

After these issues have been addressed and revised plans are submitted, VDOT's review can continue. If you have any questions, give me a call at 863.4005 at your convenience and I will be happy to provide further assistance.

Sincerely,



Debbie Williams  
Permits Manager

Cc: Land Development Team  
Land 12201, LLC, owner

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February 8, 2007

Mr. Kendal R. Walus, PE  
State Structure and Bridge Engineer  
Structure and Bridge Division  
VDOT  
1401 E. Broad St.  
Richmond, VA 23219

Dear Mr. Walus:

Thank you for your e-mail regarding whether certified landscape architects are permitted to design closed storm water management systems. The Professional Engineers Section of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) reviewed this issue at their most recent meeting on December 12, 2006. After discussion, the Board decided that Certified Landscape Architects may be qualified to design closed storm water management systems with the proper education, training and experience in accordance with subsection A of Regulation 18 VAC 10-20-730. Please note that the specific answer to your inquiry will depend on the circumstances of each project and the education and experience of the involved Certified Landscape Architect. Regarding the provisions of § 54.1-409 of the Code of Virginia, please note that accepting plans for review is not same as approving plans; further, the provisions of § 54.1-409 do not allow a professional to practice outside his area of certification.

Once again, thank you for your e-mail and please feel free to contact me should you require any additional information.

Sincerely,

APELSCIDLA BOARD

Mark N. Courtney  
Executive Director

MNC

After discussion, Ms. Rinner moved that staff prepare a letter in response to VDOT stating that Landscape Architects may be qualified to design closed storm water management systems with the proper education, training and experience in accordance with subsection A of 18 VAC 10-20-730. Mr. Fauber seconded the motion which passed by a majority vote with the following members voting yes: Fauber, Finn, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles. The following members voted no: De León, Harris, and Johnson. Mr. Clark abstained from the vote.

**Discussion of Design  
of Closed Storm  
Water Management  
Systems**

§ [54.1-400](#). Definitions.

As used in this chapter unless the context requires a different meaning: ...

"Certified landscape architect" means a person who, by reason of his special knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and whose competence has been attested by the Board through certification as a landscape architect.

The "practice of landscape architecture" by a certified landscape architect means any service wherein the principles and methodology of landscape architecture are applied in consultation, evaluation, planning (including the preparation and filing of sketches, drawings, plans and specifications) and responsible supervision or administration of contracts relative to projects principally directed at the functional and aesthetic use of land.

§ [54.1-409](#). Landscape architecture.

Resulting plans and specifications, submitted under the seal, stamp or certification of a certified landscape architect, shall be accepted for review by local and state authorities, in connection with both public and private projects. However, no landscape architect, unless he is also licensed as a land surveyor, shall provide boundary surveys, plats or descriptions for any purpose, except in conjunction with or under the supervision of an appropriately licensed professional, who shall provide certification, as required.

Landscape architects shall only engage in projects which they are qualified to undertake based on education, training, and examination and in accordance with the practice of landscape architecture as defined in § [54.1-400](#).

Nothing contained herein or in the definition of "practice of landscape architecture" in § [54.1-400](#) shall be construed to restrict or otherwise affect the right of any nurseryman, landscape designer, land planner, community planner, landscape gardener, golf course designer, turf maintenance specialist or any other similar person from engaging in such occupation, or from rendering any service in connection therewith that is not otherwise proscribed. No person shall hold himself out as, or use the title of, "landscape architect" or "certified landscape architect," unless he has been certified pursuant to the provisions of this chapter.

Any person who (i) used and was identified by the title "landscape architect" for ten years prior to July 1, 2000, (ii) holds an accredited undergraduate or graduate degree in landscape architecture, and (iii) can demonstrate to the Board satisfactory evidence of ten years of professional practice experience representing the full range of landscape architectural knowledge, skills, and abilities represented on the examination used by the Board to certify landscape architects, shall be entitled to apply to and secure from the Board, without written examination, a certificate pursuant to the provisions of this chapter, provided all other requirements of this chapter relating to landscape architecture are complied with and application is or has been made on or before July 1, 2001.

# **The Landscape Architect Registration Examination (L.A.R.E.) Content Guide**

## **Understanding the content of the L.A.R.E.**

The Landscape Architect Registration Examination (L.A.R.E.) tests applicants for the knowledge and skill that is required to practice those aspects of landscape architecture that impact the health, safety and welfare of the public.

The exam is based on a scientific “Job Analysis\*” study conducted in 2005 in which 6,000 practicing landscape architects from across the United States and Canada were asked to rate a series of tasks, knowledge areas and competencies needed to provide landscape architectural services. Only those tasks, knowledge areas and competencies that were identified by these practitioners as being important for the protection of public health, safety and welfare are included in the content of the L.A.R.E.

## **Format**

The L.A.R.E. consists of five (5) test sections. Each section is independent of the others. Sections A, B and D are multiple-choice sections that are administered on computer. Sections C and E consist of 11”x17” vignette problems that require a drafted solution. The number of multiple-choice items or vignette problems for each section is listed after the title for each section of the L.A.R.E. in this guide.

## **Using this guide**

This guide describes the content that will be tested under each section of the examination. For the multiple-choice sections, subsection breakdowns indicate a more detailed description of specific subject matter found on these portions of the examination as well as the percentage of items that will be included in that subsection topic.

For additional information about the exam including requirements to take the test, the application process and the scoring process, please visit the CLARB web site at [www.clarb.org](http://www.clarb.org).



## **Section A - Project and Construction Administration (70 Items)**

Section A is a multiple-choice examination that will test your knowledge of construction contracts and the administration of a project. The section is based on the findings in the Job Analysis that landscape architects need to know how to coordinate and manage design teams. They must understand construction contracts and the responsibilities of various parties under such contracts and their responsibilities during construction observation, and processes for assessing and reviewing projects or plans after they are complete.

### **Project Administration (22%)**

This subsection will assess your knowledge of communication methods and consensus and team building techniques as it relates to coordinating and managing consultants and design team members. You will be required to show an understanding of the code of conduct for landscape architects and standards of practice as it relates to administering a project.

### **Construction Administration (52%)**

This subsection will test your knowledge of construction contracts, how to use construction specifications and the construction administration process. This includes your knowledge of construction law as it relates to the responsibilities of various parties under the construction contract. You will also be tested on your knowledge of the landscape architect's role in the design and bidding processes and obligations during construction through to the final acceptance of substantially completed work including best management practices.

### **Assessment and Review (26%)**

The Assessment and Review subsection tests your knowledge needed to perform an assessment of the administrative process of a design or construction project after completion. You will be expected to understand the objectives of performing post-occupancy research, surveys, and evaluations and the knowledge required to review plans and reports for code compliance.

## **Section B - Inventory, Analysis and Program Development (90 items)**

Section B is a multiple-choice examination that will test you for that knowledge that is used in the pre-design stages of a project. The Job Analysis Survey found that landscape architects must know how to define a problem through the understanding of the client's intentions and needs, determine project user values through focus groups and surveys, and define the project goals and objectives. Landscape architects are also required to understand how and where to gather information for a project and how to analyze that information to make design decisions. They must understand how to analyze the relationships of all of the project elements and formulate the project requirements.

### Problem Definition (17%)

Problem definition will test your knowledge of techniques to elicit client and user intentions and needs. You will need to understand methods for determination of user values such as focus groups and surveys. You will also need to demonstrate your knowledge of a project's parameters such as the problem statement, goals, objectives, purpose, needs, and expected outcomes.

### Inventory (23%)

In the Inventory subsection, you will be required to demonstrate your knowledge of planning and land use laws including zoning, development restrictions and design guidelines. You will need to understand information such as accessibility regulations, natural features, cultural features, characteristics of plant material, land information sources, and the political and regulatory approval processes.

### Analysis (36%)

This subsection tests your knowledge of factors influencing selection of plant materials, human factors influencing design, natural factors influencing design, patterns of land use and built form, regional hazard design considerations, and social and cultural influences on design. You will be expected to understand research methods including interpretation, visual resource assessment, and components of site analysis documents.

### Programming (24%)

The Programming subsection will test your knowledge of project requirements such as the relationship, and function of elements. You will need to understand how to develop preliminary project budgets and schedules. You will be required to demonstrate your knowledge of the process to define relationships among design elements by determining opportunities and constraints and the process to develop a design program based on users' needs and clients' goals and resources. You will also need to show an understanding of how performance criteria drives a project such as program and/or project quality level, sustainability, or requirements for water quality.

## **Section C - Site Design (4 Vignette Problems)**

Section C is a graphic response section that will test your ability to produce and evaluate site design solutions. Landscape architects are expected to develop site or land use plans that take into consideration the off-site and on-site influences to development. Landscape architects must consider various codes, consultant studies and principles of sustainability when creating a site design. They should be able to evaluate the design solutions of others and possess the ability to create alternative solutions to a problem.

You will be tested on your ability to develop design, planning, and management solutions considering on-site and off-site influences and convey the information through text and in

drawings. You will be required to incorporate consultant studies into your design and predict the implications of your design, planning, and management proposals on the natural and cultural systems both within the site and in the larger context. You must be able to evaluate design alternatives to determine the appropriate solution and create design alternatives to demonstrate the range of options. You will also be expected to incorporate the design of circulation systems such as equestrian, bicycle, pedestrian, and vehicular systems into your design solutions.

## **Section D - Design and Construction Documentation (120 items)**

Section D is a multiple-choice examination that tests your knowledge of the design and construction process. Landscape architects must be able to refine the preferred solution to a problem and prepare plans and contract documents to ensure the project can be built correctly. A landscape architect must have knowledge of design principles, resource conservation, graphic communication, construction documentation, and materials and methods of construction to ensure the project is completed in a safe manner.

### **Design Principles (16%)**

This subsection will test your knowledge of design principles including aesthetic principles of design, design theory, problem-solving strategies, planning principles, design principles for safety, security and crime prevention, social responsibility in design, and therapeutic aspects of design. You will be required to understand planting design including the location of plant material types to meet various requirements, such as strategies for security and crime prevention.

### **Resource Conservation and Management (18%)**

You will be required to demonstrate your knowledge of resource conservation and management in this subsection. This includes conservation of natural resources, ecological planning principles, environmental ethics, floodplain management, and land and water reclamation procedures. You will also need to show an understanding of the relationship between human and natural systems such as water resource management, habitat restoration and creation, urban ecology, and sustainability.

### **Graphic Communication (8%)**

This subsection will test your knowledge of the roles of visual communication, including photographic and video documentation, and graphic presentation techniques, systems and symbols including when certain systems are appropriate.

### **Construction Documentation (20%)**

The Construction Documentation subsection will test your knowledge of the administrative procedures required throughout the construction process. You will be required to demonstrate your knowledge of the general and supplemental conditions, special provisions, and technical specifications and their organization including specification types and components for a project.

You must demonstrate an understanding of the construction process including sequencing, staging, and construction technology. You must have knowledge of the various construction documents such as layout plans, grading plans, drainage plans, demolition plans, erosion and sediment control plans, planting plans, and irrigation plans. You will also be required to produce construction cost computations such as area calculations, volume, quantity, and unit prices.

#### Materials and Methods of Construction (38%)

In the Materials and Methods of Construction subsection, you will be required to show your understanding of various construction materials and how those materials are joined together. In order to demonstrate your understanding, you will need to have knowledge of typical construction details and site amenities, construction equipment and technologies, design needs for special populations, elements of circulation systems and their design requirements, lighting systems, noise attenuation and mitigation techniques, structural considerations, and factors influencing selection of site construction materials.

You will be tested on your knowledge of erosion and sedimentation control, irrigation systems, biofiltration and other alternative drainage methods, grading, drainage and stormwater treatment. You will also need to understand utility systems including the relationships of different systems to each other and how to perform subsurface storm drain calculations and determine pipe sizes.

#### **Section E - Grading, Drainage and Stormwater Management (4 Vignette Problems)**

Section E will test you on your ability to complete grading, drainage and stormwater management plans. Landscape architects are required to manipulate landforms to convey runoff, meet design requirements, and minimize environmental impact. Landscape architects are also expected to evaluate the impact of their decisions on existing off-site conditions and develop strategies for water conservation and preservation of land resources.

You will be tested on your ability to develop grading and drainage plans considering on-site and off-site influences and convey the information in drawings. You must be able to manipulate contours to demonstrate your ability to convey water to meet design requirements while protecting land and water resources. You will be expected to evaluate existing landforms and drainage systems to locate program elements minimizing environmental or economic impacts. You will also be required to think 3-dimensionally to manipulate landforms to meet design requirements.

\*A detailed breakdown of the results of the 2005 CLARB Job Analysis Survey can be found on the CLARB web site at [www.clarb.org](http://www.clarb.org).

**Summary of Board for Architects, Professional Engineers, Land  
Surveyors, Certified Interior Designers and Landscape  
Architects Enforcement Activity for Period 09-01-2007 through  
11-21-2007**

**Criteria: files that were docketed or open or closed during the period specified, excluding Fair Housing and Unlicensed cases**

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**Summary Statistics for Cases Opened before 09-01-2007 and that remained open through 11-21-2007**

<b>Number of Files:</b>	18	<b>Maximum Days Open:</b> 481	<b>Minimum Days Open:</b> 84	<b>Average Days Open through End of Period or Closed Date</b>	200
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**Summary Statistics for Cases Opened before 09-01-2007 and that were closed within the period from 09-01-2007 through 11-21-2007**

<b>Number of Files:</b>	14	<b>Maximum Days Open:</b> 776	<b>Minimum Days Open:</b> 8	<b>Average Days Open through End of Period or Closed Date</b>	177
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**Summary Statistics for Cases Opened within the period from 09-01-2007 through 11-21-2007 that remained open for the period.**

<b>Number of Files:</b>	9	<b>Maximum Days Open:</b> 78	<b>Minimum Days Open:</b> 1	<b>Average Days Open through End of Period or Closed Date</b>	38
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**Summary Statistics for Cases Opened and Closed within the period from 09-01-2007 through 11-21-2007**

<b>Number of Files:</b>	4	<b>Maximum Days Open:</b> 47	<b>Minimum Days Open:</b> 15	<b>Average Days Open through End of Period or Closed Date</b>	33
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**Detail Listing of Board for Architects, Professional Engineers,  
Land Surveyors, Certified Interior Designers and Landscape  
Architects Enforcement Activity for Period 09-01-2007 through  
11-21-2007**

**Criteria: files that were either docketed or open or closed for the period specified, excluding all Unlicensed and Fair Housing cases.**

**Cases Opened before 09-01-2007 and that remained open through 11-21-2007**

<b>File Number</b>	<b>ETS Section</b>	<b>Findings</b>	<b>Docket Date</b>	<b>Closed with Follow Up</b>	<b>Closed Date</b>	<b>Priority</b>	<b>License Type</b>	<b>Days Open Through Closed Date or End of Period</b>
2008-00553	Disciplinary		08/06/2007			0	APELSCIDLA Land Surveyor	107
2007-05220	Disciplinary		06/28/2007			1	APELSCIDLA Land Surveyor	146
2007-04858	Disciplinary		05/31/2007			0	APELSCIDLA Professional Engineer	174
2008-00624	Disciplinary		08/14/2007			1	APELSCIDLA Land Surveyor	99
2007-00337	Disciplinary		07/28/2006			0	APELSCIDLA Architect	481
2007-03878	Disciplinary		03/22/2007			1	APELSCIDLA Architect	244
2007-01880	Disciplinary		11/03/2006			0	APELSCIDLA Professional Engineer	383
2008-00846	Disciplinary		08/29/2007			0	APELSCIDLA Professional Engineer	84
2007-05081	Disciplinary		06/22/2007			0	APELSCIDLA Professional Engineer	152
2008-00631	Disciplinary		08/14/2007			0	APELSCIDLA Land Surveyor	99
2007-04714	Disciplinary		05/18/2007			0	APELSCIDLA Architect	187
2007-02205	Disciplinary		11/28/2006			0	APELSCIDLA Land Surveyor	358
2007-05191	Disciplinary		06/27/2007			1	APELSCIDLA Business Entity	147

**Detail Listing of Board for Architects, Professional Engineers,  
Land Surveyors, Certified Interior Designers and Landscape  
Architects Enforcement Activity for Period 09-01-2007 through  
11-21-2007**

**Criteria: files that were either docketed or open or closed for the period specified, excluding all Unlicensed and Fair Housing cases.**

**Cases Opened before 09-01-2007 and that remained open through 11-21-2007**

<b>File Number</b>	<b>ETS Section</b>	<b>Findings</b>	<b>Docket Date</b>	<b>Closed with Follow Up</b>	<b>Closed Date</b>	<b>Priority</b>	<b>License Type</b>	<b>Days Open Through Closed Date or End of Period</b>
2007-03986	Disciplinary		03/30/2007			0	APELSCIDLA Architect	236
2007-04062	Disciplinary		04/03/2007			0	APELSCIDLA Landscape Architect	232
2008-00352	Disciplinary		07/26/2007			0	APELSCIDLA Land Surveyor	118
2007-03466	Disciplinary		02/26/2007			0	APELSCIDLA Professional Engineer	268
2008-00856	Disciplinary		08/29/2007			0	APELSCIDLA Land Surveyor	84

**Summary Statistics for Cases Opened before 09-01-2007 and that remained open through 11-21-2007**

**Number of Files:** 18      **Maximum Days Open:** 481      **Minimum Days Open:** 84      **Average Days Open:** 200

**Detail Listing of Board for Architects, Professional Engineers,  
Land Surveyors, Certified Interior Designers and Landscape  
Architects Enforcement Activity for Period 09-01-2007 through  
11-21-2007**

**Criteria: files that were either docketed or open or closed for the period specified, excluding all Unlicensed and Fair Housing cases.**

**Cases Opened before 09-01-2007 and that were closed within the period from 09-01-2007 through 11-21-2007**

<b>File Number</b>	<b>ETS Section</b>	<b>Findings</b>	<b>Docket Date</b>	<b>Closed with Follow Up</b>	<b>Closed Date</b>	<b>Priority</b>	<b>License Type</b>	<b>Days Open Through Closed Date or End of Period</b>
2007-04880	Disciplinary	Closed by Staff - Compliance Obtained	06/01/2007		10/23/2007	0	APELSCIDLA Land Surveyor	144
2007-04879	Disciplinary	Closed by Staff - Compliance Obtained	06/01/2007		10/02/2007	0	APELSCIDLA Land Surveyor	123
2007-02480	Disciplinary	Closed by Staff - Insufficient Evidence	12/15/2006		10/10/2007	0	APELSCIDLA Land Surveyor	299
2008-00689	Disciplinary	Closed by Staff - Insufficient Evidence	08/20/2007		09/05/2007	0	APELSCIDLA Architect	16
2008-00374	Disciplinary	Closed by Staff - No Jurisdiction	07/27/2007		09/04/2007	0	APELSCIDLA Undetermined	39
2008-00156	Disciplinary	Closed by Staff - Other	07/12/2007		09/05/2007	0	APELSCIDLA Land Surveyor	55
2008-00211	Disciplinary	Closed by Staff - No Jurisdiction	07/17/2007		09/04/2007	0	APELSCIDLA Professional Engineer	49
2006-00911	Disciplinary	Closed by Staff - No Law or Reg	08/26/2005		10/11/2007	0	APELSCIDLA Land Surveyor	776
2008-00800	Disciplinary	Closed by Staff - No Jurisdiction	08/27/2007		09/04/2007	0	APELSCIDLA Professional Corporation	8
2008-00847	Disciplinary	Closed by Staff - No Jurisdiction	08/29/2007		09/11/2007	0	APELSCIDLA Undetermined	13
2008-00855	Application	Application Approved	08/29/2007		09/13/2007	0	APELSCIDLA Landscape Architect	15
2007-02119	Disciplinary	Order	11/20/2006	09/13/2007		0	APELSCIDLA Land Surveyor	297
2006-04492	Disciplinary	Order	04/25/2006	09/13/2007		0	APELSCIDLA Land Surveyor	506



**Detail Listing of Board for Architects, Professional Engineers,  
Land Surveyors, Certified Interior Designers and Landscape  
Architects Enforcement Activity for Period 09-01-2007 through  
11-21-2007**

**Criteria: files that were either docketed or open or closed for the period specified, excluding all Unlicensed and Fair Housing cases.**

**Cases Opened before 09-01-2007 and that were closed within the period from 09-01-2007  
through 11-21-2007**

<b>File Number</b>	<b>ETS Section</b>	<b>Findings</b>	<b>Docket Date</b>	<b>Closed with Follow Up</b>	<b>Closed Date</b>	<b>Priority</b>	<b>License Type</b>	<b>Days Open Through Closed Date or End of Period</b>
2007-05006	Disciplinary	Closed by Staff - Other	06/19/2007		11/01/2007	0	APELSCIDLA Professional Engineer	135

**Summary Statistics for Cases Opened before 09-01-2007 and that were closed within the period from 09-01-2007 through 11-21-2007**

**Number of Files: 14    Maximum Days Open: 776    Minimum Days Open: 8    Average Days Open: 177**

**Detail Listing of Board for Architects, Professional Engineers,  
Land Surveyors, Certified Interior Designers and Landscape  
Architects Enforcement Activity for Period 09-01-2007 through  
11-21-2007**

**Criteria: files that were either docketed or open or closed for the period specified, excluding all Unlicensed and Fair Housing cases.**

**Cases Opened within the period from 09-01-2007 through 11-21-2007 that remained open for the period.**

File Number	ETS Section	Findings	Docket Date	Closed with Follow Up	Closed Date	Priority	License Type	Days Open Through Closed Date or End of Period
2008-02094	To Be Determined		11/20/2007			0	APELSCIDLA Land Surveyor Type B	1
2008-02005	To Be Determined		11/14/2007			0	APELSCIDLA Land Surveyor	7
2008-01871	To Be Determined		11/05/2007			0	APELSCIDLA Professional Engineer	16
2008-01552	Disciplinary		10/12/2007			0	APELSCIDLA Land Surveyor	40
2008-01478	Disciplinary		10/10/2007			0	APELSCIDLA Professional Engineer	42
2008-01483	To Be Determined		10/10/2007			0	APELSCIDLA Undetermined	42
2008-01304	Disciplinary		09/27/2007			1	APELSCIDLA Architect	55
2008-01237	Disciplinary		09/20/2007			1	APELSCIDLA Professional Engineer	62
2008-00903	Disciplinary		09/04/2007			1	APELSCIDLA Undetermined	78

**Summary Statistics for Cases Opened within the period 09-01-2007 through 11-21-2007 that remained open for the period.**

**Number of Files: 9      Maximum Days Open: 78      Minimum Days Open: 1      Average Days Open: 38**

**Detail Listing of Board for Architects, Professional Engineers,  
Land Surveyors, Certified Interior Designers and Landscape  
Architects Enforcement Activity for Period 09-01-2007 through  
11-21-2007**

**Criteria: files that were either docketed or open or closed for the period specified, excluding all Unlicensed and Fair Housing cases.**

**Cases Opened and Closed within the period from 09-01-2007 through 11-21-2007**

<b>File Number</b>	<b>ETS Section</b>	<b>Findings</b>	<b>Docket Date</b>	<b>Closed with Follow Up</b>	<b>Closed Date</b>	<b>Priority</b>	<b>License Type</b>	<b>Days Open Through Closed Date or End of Period</b>
2008-01605	Disciplinary	Closed by Staff - No Law or Reg	10/16/2007		10/31/2007	0	APELSCIDLA Undetermined	15
2008-01401	Disciplinary	Closed by Staff - Other	10/03/2007		11/06/2007	0	APELSCIDLA Land Surveyor	34
2008-01089	Disciplinary	Closed by Staff - Other	09/13/2007		10/30/2007	0	APELSCIDLA Undetermined	47
2008-00904	Disciplinary	Closed by Staff - Compliance Obtained	09/04/2007		10/11/2007	0	APELSCIDLA Professional Engineer	37

**Summary Statistics for Cases Opened and Closed with the period 09-01-2007 through 11-21-2007**

**Number of Files: 4    Maximum Days Open: 47    Minimum Days Open: 15    Average Days Open: 33**

Department of Professional and Occupational Regulation  
Statement of Financial Activity

**APELSCIDLA**

2006-2008 Biennium

October 2007

	October 2007 Activity	Biennium-to-Date Comparison	
		July 2004 - October 2005	July 2006 - October 2007
Cash/Revenue Balance Brought Forward			1,409,838
Revenues	99,520	1,610,076	1,952,965
Cumulative Revenues			3,362,803
Cost Categories:			
Board Expenditures	10,103	129,221	174,827
Board Administration	27,436	333,449	439,701
Administration of Exams	7,141	77,572	117,190
Enforcement	1,067	16,842	14,597
Legal Services	0	16,761	12,020
Information Systems	18,387	255,382	302,381
Facilities and Support Services	6,496	186,149	151,825
Agency Administration	29,978	287,688	487,912
Other / Transfers	0	24,582	10,771
Total Expenses	100,609	1,327,647	1,711,223
Ending Cash/Revenue Balance			1,651,580

Actual Callahan Percentage at End of Previous Biennium	<b>68.7%</b>
Target Callahan Percentage at End of Current Biennium	<b>61.4%</b>

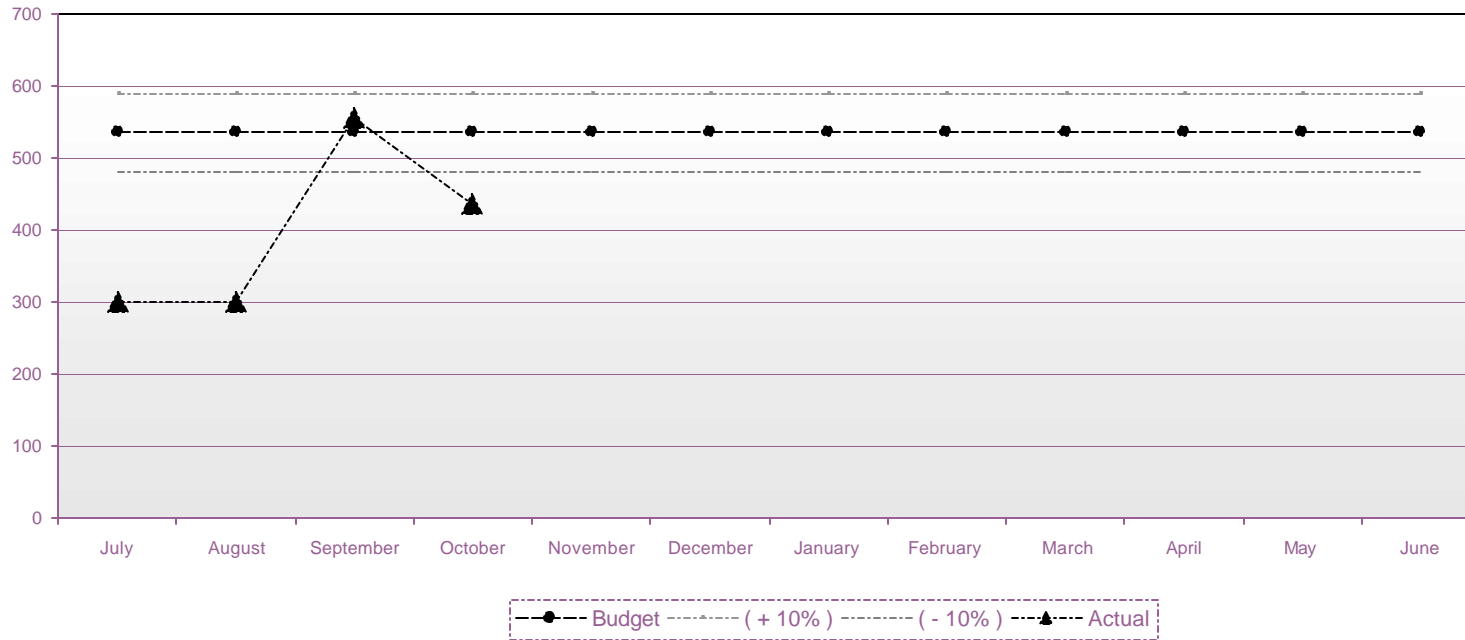
**Number of Regulants**

Current Month	34,298
Previous Biennium-to-Date	35,158

Department of Professional and Occupational Regulation  
Supporting Statement of Year-to-Date Activity  
**APELSCIDLA**  
Fiscal Year 2008

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
<b>Board Expenditures</b>	25,328	6,125	15,744	10,103	0	0	0	0	0	0	0	0	57,300	154,745	97,446	171,899	-17,154	-11.1%
<b>Board Administration</b>	40,636	30,861	27,863	27,436	0	0	0	0	0	0	0	0	126,795	374,536	247,741	380,386	-5,850	-1.6%
<b>Administration of Exams</b>	9,962	8,862	4,525	7,141	0	0	0	0	0	0	0	0	30,491	89,107	58,616	91,472	-2,365	-2.7%
<b>Enforcement</b>	1,380	1,049	1,068	1,067	0	0	0	0	0	0	0	0	4,564	16,228	11,663	13,692	2,535	15.6%
<b>Legal Services</b>	0	1,872	0	0	0	0	0	0	0	0	0	0	1,872	8,387	6,515	5,615	2,772	33.1%
<b>Information Systems</b>	22,497	19,800	18,466	18,387	0	0	0	0	0	0	0	0	79,149	233,475	154,325	237,448	-3,974	-1.7%
<b>Facilities / Support Svcs</b>	17,665	6,713	5,866	6,496	0	0	0	0	0	0	0	0	36,740	118,291	81,551	110,220	8,071	6.8%
<b>Agency Administration</b>	165,851	32,231	33,385	29,978	0	0	0	0	0	0	0	0	261,446	289,778	28,332	784,338	-494,560	-170.7%
<b>Other / Transfers</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	46,186	46,186	0	46,186	100.0%
<b>Total Charges</b>	283,319	107,512	106,917	100,609	0	0	0	0	0	0	0	0	598,357	1,330,733	732,376	1,795,070	-464,337	-34.9%

**Administration of APELSCIDLA - 415  
Comparison of Budget to Actual**



**NOTES:**

<b>NonPersonal Services:</b>		
<b>Budget</b>	<u>6,417</u>	
<b>Actual Year-to-Date</b>	1,591	
<b>Projected at June 30</b>	<u>5,869</u>	
<b>Projected Available/(Overexpended)</b>	<b>548</b>	<b>8.5%</b>

ACTR 1426  
 MONTHLY  
 (PM)-CYCLE 0  
 RUN DATE 11/08/2007 12:59 A.M.

COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
 DEPT OF PROFESSIONAL & OCCUPATIOAL REG  
 AGENCY ORGANIZATION EXPENDITURES COST CODE  
 AS OF 10/31/2007

AGENCY NO : 222  
 AGENCY PAGE: 46  
 REPORT PAGE: 2135  
 REQUEST NO. ACTR1426 A 00

\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS  
 \*\*\* ORGANIZATION LEVEL-2 415 APELSCLA BOARDS, AUCTIONEERS, BRANCH PILOTS ADMIN

OBJECT CODE	OBJECT TITLE	EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
1111	EMPLOYER RETIRE CONTRIBUTIONS-DEFINED BENE	2,514.74	10,348.69	30,726.00	20,377.31
1112	FEDERAL OLD-AGE INS FOR SALARIED STATE EMP	1,693.89	6,944.54	21,081.00	14,136.46
1113	FEDERAL OLD-AGE INS FOR WAGE EARNING STATE	183.04	723.55	2,219.00	1,495.45
1114	GROUP LIFE INSURANCE	225.54	946.56	2,756.00	1,809.44
1115	MEDICAL/HOSPITALIZATION INSURANCE	3,566.00	14,596.50	38,052.00	23,455.50
1116	RETIREE MEDICAL/HOSPITALIZATION INSURANCE	270.68	1,104.39	3,307.00	2,202.61
1117	LONG-TERM DISABILITY INSURANCE	451.06	1,840.02	5,511.00	3,670.98
1123	SALARIES, CLASSIFIED	22,553.70	93,219.71	275,569.00	182,349.29
1131	BONUSES & INCENTIVES	250.00	350.00	.00	350.00-
1138	DEFERRED COMPENSATION MATCH PAYMENTS	135.00	507.50	1,800.00	1,292.50
1141	WAGES, GENERAL	2,392.74	9,489.69	29,012.00	19,522.31
	***** TOTAL OBJECT 11	34,236.39	140,071.15	410,033.00	269,961.85
1211	EXPRESS SERVICES	.00	.00	50.00	50.00
1214	POSTAL SERVICES	22.68	22.68	250.00	227.32
1215	PRINTING SERVICES	.00	.00	250.00	250.00
1216	TELECOMMUNICATIONS SERVICES (VITA)	275.65	1,173.30	3,000.00	1,826.70
1224	EMPLOYEE TRAINING COURSES/WORKSHOPS/CONFER	.00	.00	1,400.00	1,400.00
1247	LEGAL SERVICES	50.40	50.40	267.00	216.60
1264	FOOD & DIETARY SERVICES	13.20	225.45	600.00	374.55
1267	PRODUCTION SERVICES	.00	.00	100.00	100.00
1282	TRAVEL, PERSONAL VEHICLE	.00	.00	100.00	100.00
1285	TRAVEL, SUBSISTENCE, AND LODGING	15.00	15.00	100.00	85.00
	***** TOTAL OBJECT 12	376.93	1,486.83	6,117.00	4,630.17
1312	OFFICE SUPPLIES	.00	23.58	100.00	76.42
1362	FOOD & DIETARY SUPPLIES	.00	.00	200.00	200.00

ACTR 1426  
 MONTHLY  
 (PM)-CYCLE 0  
 RUN DATE 11/08/2007 12:59 A.M.

COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
 DEPT OF PROFESSIONAL & OCCUPATIOAL REG  
 AGENCY ORGANIZATION EXPENDITURES COST CODE  
 AS OF 10/31/2007

AGENCY NO : 222  
 AGENCY PAGE: 47  
 REPORT PAGE: 2136  
 REQUEST NO. ACTR1426 A 00

\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS  
 \*\*\* ORGANIZATION LEVEL-2 415 APELSCLA BOARDS, AUCTIONEERS, BRANCH PILOTS ADMIN

OBJECT CODE	OBJECT TITLE		EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
	***** TOTAL OBJECT	13	.00	23.58	300.00	276.42
1541	AGENCY SERVICE CHARGES		15.00	15.00	.00	15.00-
	***** TOTAL OBJECT	15	15.00	15.00	.00	15.00-
2263	OFFICE INCIDENTALS		45.30	65.15	.00	65.15-
	***** TOTAL OBJECT	22	45.30	65.15	.00	65.15-
	*** TOTAL ORG 2	415	34,673.62	141,661.71	416,450.00	274,788.29



ACTR 1426  
MONTHLY  
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RUN DATE 11/08/2007 12:59 A.M.

COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
DEPT OF PROFESSIONAL & OCCUPATIOAL REG  
AGENCY ORGANIZATION EXPENDITURES COST CODE  
AS OF 10/31/2007

AGENCY NO : 222  
AGENCY PAGE: 48  
REPORT PAGE: 2137  
REQUEST NO. ACTR1426 A 00

\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS

OBJECT CODE	OBJECT TITLE			EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
**	TOTAL ORG 1	100		34,673.62	141,661.71	416,450.00	274,788.29

Department of Professional and Occupational Regulation  
Statement of Financial Activity

**Architects**  
**416**

2006-2008 Biennium

October 2007

	October 2007 Activity	Biennium-to-Date Comparison	
		July 2004 - October 2005	July 2006 - October 2007
Cash/Revenue Balance Brought Forward			211,872
Revenues	21,100	257,784	298,710
Cumulative Revenues			510,582
Cost Categories:			
Board Expenditures	1,023	34,441	40,535
Board Administration	5,485	62,298	82,307
Administration of Exams	1,894	4,496	26,702
Enforcement	173	2,256	2,243
Legal Services	0	3,113	2,218
Information Systems	3,676	47,661	56,556
Facilities and Support Services	1,221	34,548	28,499
Agency Administration	5,994	53,747	91,223
Other / Transfers	0	4,578	1,932
<b>Total Expenses</b>	<b>19,465</b>	<b>247,139</b>	<b>332,215</b>
<b>Ending Cash/Revenue Balance</b>			<b>178,367</b>

Actual Callahan Percentage at End of Previous Biennium	<b>56.3%</b>
Target Callahan Percentage at End of Current Biennium	<b>23.1%</b>

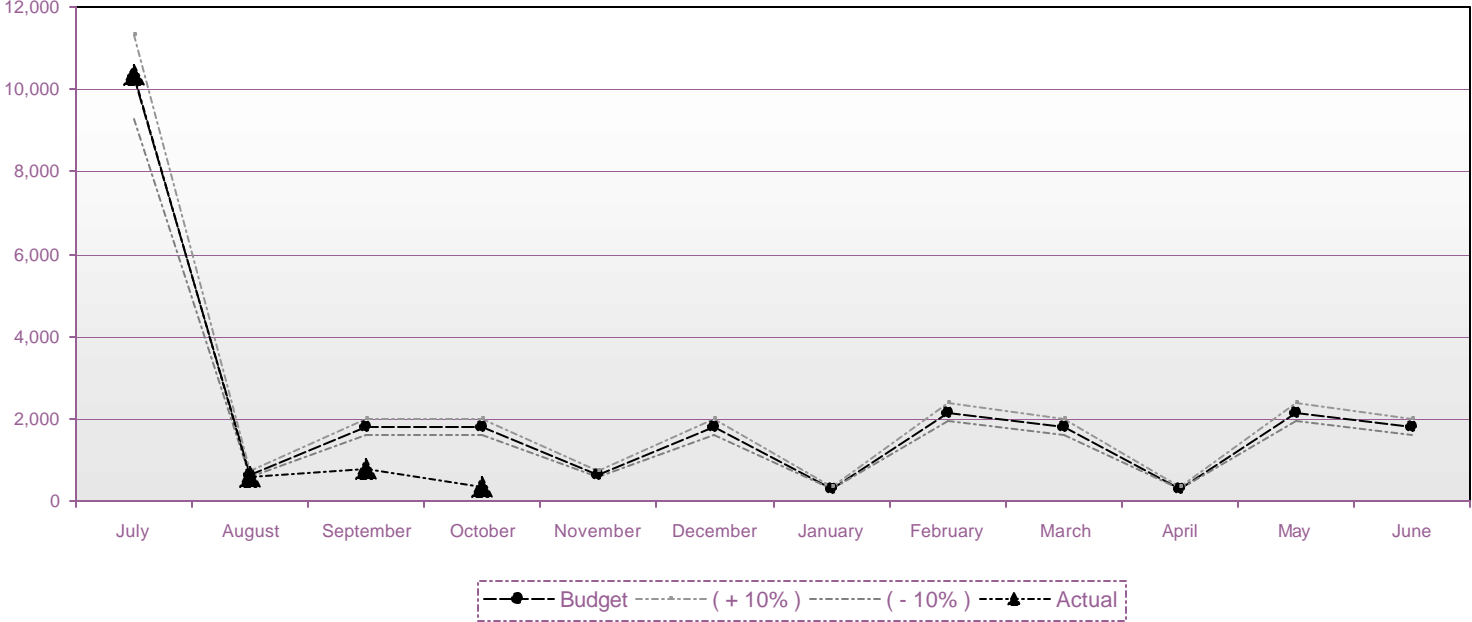
**Number of Regulants**

Current Month	6,704
Previous Biennium-to-Date	6,485

Department of Professional and Occupational Regulation  
Supporting Statement of Year-to-Date Activity  
Architects - 416  
Fiscal Year 2008

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	10,952	830	1,537	1,023	0	0	0	0	0	0	0	0	14,342	31,119	16,777	43,026	-11,907	-38.3%
Board Administration	7,553	5,729	5,166	5,485	0	0	0	0	0	0	0	0	23,932	69,611	45,679	71,796	-2,186	-3.1%
Administration of Exams	2,642	2,350	1,200	1,894	0	0	0	0	0	0	0	0	8,086	23,630	15,544	24,257	-627	-2.7%
Enforcement	224	170	173	173	0	0	0	0	0	0	0	0	741	2,634	1,893	2,222	411	15.6%
Legal Services	0	342	0	0	0	0	0	0	0	0	0	0	342	1,770	1,428	1,027	743	42.0%
Information Systems	4,181	3,675	3,424	3,676	0	0	0	0	0	0	0	0	14,956	43,393	28,437	44,869	-1,476	-3.4%
Facilities / Support Svcs	3,164	1,296	1,190	1,221	0	0	0	0	0	0	0	0	6,872	22,223	15,351	20,615	1,608	7.2%
Agency Administration	30,825	5,983	6,190	5,994	0	0	0	0	0	0	0	0	48,991	53,858	4,867	146,973	-93,116	-172.9%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	8,584	8,584	0	8,584	100.0%
<b>Total Charges</b>	<b>59,541</b>	<b>20,375</b>	<b>18,880</b>	<b>19,465</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>118,262</b>	<b>256,822</b>	<b>138,559</b>	<b>354,786</b>	<b>-97,965</b>	<b>-38.1%</b>

**Architects - 416  
Comparison of Budget to Actual**



**NOTES:**

<b>NonPersonal Services</b>		
<b>Budget</b>	<u>25,562</u>	
<b>Actual Year-to-Date</b>	12,064	
<b>Projected at June 30</b>	<u>23,053</u>	
<b>Projected Available/(Overexpended)</b>	<b>2,509</b>	<b>9.8%</b>

ACTR 1426  
 MONTHLY  
 (PM)-CYCLE 0  
 RUN DATE 11/08/2007 12:59 A.M.

COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
 DEPT OF PROFESSIONAL & OCCUPATIOAL REG  
 AGENCY ORGANIZATION EXPENDITURES COST CODE  
 AS OF 10/31/2007

AGENCY NO : 222  
 AGENCY PAGE: 49  
 REPORT PAGE: 2138  
 REQUEST NO. ACTR1426 A 00

\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS  
 \*\*\* ORGANIZATION LEVEL-2 416 BOARD FOR ARCHITECTS

OBJECT CODE	OBJECT TITLE	EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
1134	SPECIFIED PER DIEM PAYMENTS	.00	200.00	1,300.00	1,100.00
	***** TOTAL OBJECT 11	.00	200.00	1,300.00	1,100.00
1214	POSTAL SERVICES	308.08	1,000.33	4,000.00	2,999.67
1221	ORGANIZATION MEMBERSHIPS	.00	9,800.00	10,000.00	200.00
1224	EMPLOYEE TRAINING COURSES/WORKSHOPS/CONFER	.00	.00	2,000.00	2,000.00
1227	EMPLOYEE TRAINING TRANS/LODGING/MEALS/INCI	.00	183.86-	3,000.00	3,183.86
1243	ATTORNEY SERVICES	.00	342.43	1,370.00	1,027.57
1247	LEGAL SERVICES	.00	.00	400.00	400.00
1264	FOOD & DIETARY SERVICES	.00	60.44	150.00	89.56
1267	PRODUCTION SERVICES	21.48	32.30	400.00	367.70
1282	TRAVEL, PERSONAL VEHICLE	.00	685.34	2,200.00	1,514.66
1285	TRAVEL, SUBSISTENCE, AND LODGING	.00	66.00	200.00	134.00
1288	TRAVEL, MEAL REIMBURSEMENT-NOT REPORTABLE	.00	60.00	200.00	140.00
	***** TOTAL OBJECT 12	329.56	11,862.98	23,920.00	12,057.02
1312	OFFICE SUPPLIES	.00	.00	242.00	242.00
1362	FOOD & DIETARY SUPPLIES	.00	.00	100.00	100.00
	***** TOTAL OBJECT 13	.00	.00	342.00	342.00
	*** TOTAL ORG 2 416	329.56	12,062.98	25,562.00	13,499.02

ACTR 1426  
MONTHLY  
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COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
DEPT OF PROFESSIONAL & OCCUPATIOAL REG  
AGENCY ORGANIZATION EXPENDITURES COST CODE  
AS OF 10/31/2007

AGENCY NO : 222  
AGENCY PAGE: 50  
REPORT PAGE: 2139  
REQUEST NO. ACTR1426 A 00

\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS

OBJECT CODE	OBJECT TITLE		EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
**	TOTAL ORG 1	100	329.56	12,062.98	25,562.00	13,499.02

Department of Professional and Occupational Regulation

Statement of Financial Activity

Professional Engineers

417

2006-2008 Biennium

October 2007

	October 2007 Activity	Biennium-to-Date Comparison	
		July 2004 - October 2005	July 2006 - October 2007
Cash/Revenue Balance Brought Forward			722,463
Revenues	69,380	1,152,275	1,432,930
Cumulative Revenues			2,155,393
Cost Categories:			
Board Expenditures	3,235	55,869	79,746
Board Administration	20,199	228,595	302,195
Administration of Exams	2,435	47,955	51,210
Enforcement	815	13,481	11,338
Legal Services	0	11,353	8,114
Information Systems	13,537	175,112	207,799
Facilities and Support Services	4,888	128,316	104,695
Agency Administration	22,071	197,253	335,102
Other / Transfers	0	16,855	7,463
Total Expenses	67,180	874,790	1,107,661
Ending Cash/Revenue Balance			1,047,732

Actual Callahan Percentage at End of Previous Biennium	53.1%
Target Callahan Percentage at End of Current Biennium	61.0%

Number of Regulants

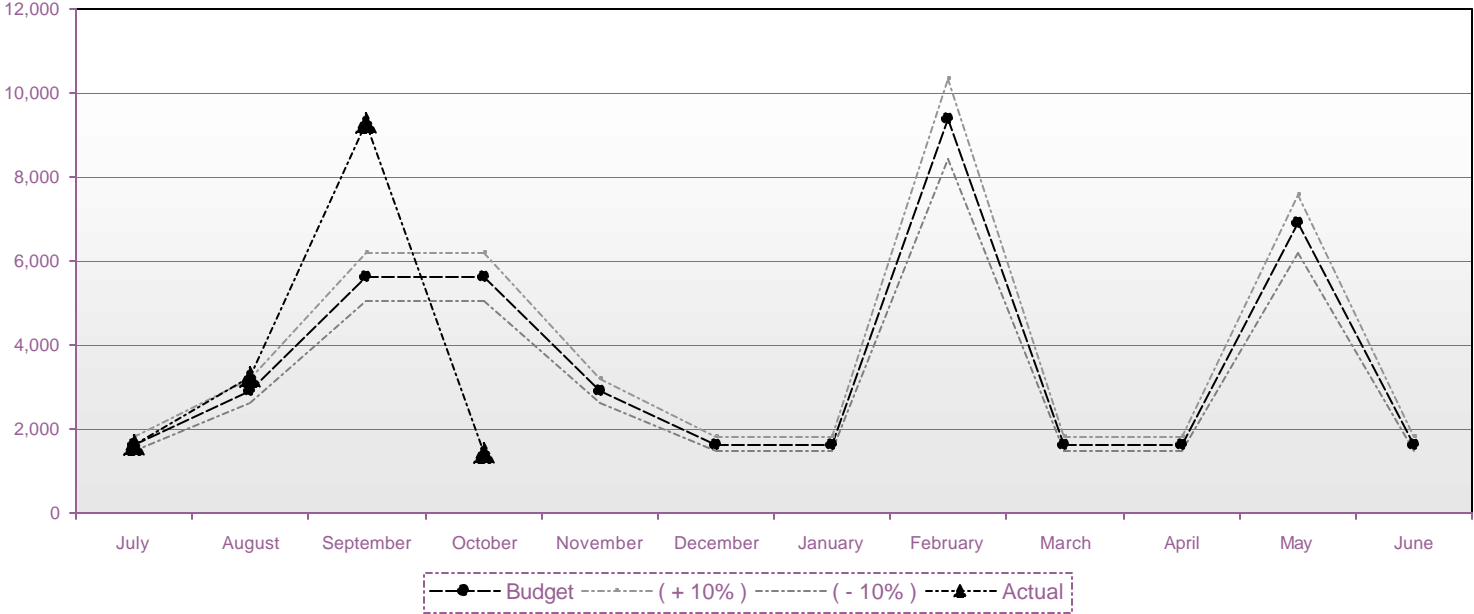
Current Month	24,687
Previous Biennium-to-Date	23,674

Department of Professional and Occupational Regulation  
Supporting Statement of Year-to-Date Activity  
Professional Engineers- 417  
Fiscal Year 2008

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	4,861	4,004	11,222	3,235	0	0	0	0	0	0	0	0	23,322	67,298	43,976	69,966	-2,668	-4.0%
Board Administration	27,744	21,077	19,033	20,199	0	0	0	0	0	0	0	0	88,053	255,716	167,663	264,159	-8,443	-3.3%
Administration of Exams	3,397	3,022	1,543	2,435	0	0	0	0	0	0	0	0	10,398	30,387	19,989	31,193	-806	-2.7%
Enforcement	1,054	801	816	815	0	0	0	0	0	0	0	0	3,487	12,398	8,911	10,461	1,937	15.6%
Legal Services	0	1,258	0	0	0	0	0	0	0	0	0	0	1,258	5,032	3,774	3,774	1,258	25.0%
Information Systems	15,360	13,523	12,614	13,537	0	0	0	0	0	0	0	0	55,033	159,406	104,372	165,100	-5,694	-3.6%
Facilities / Support Svcs	12,278	4,712	4,121	4,888	0	0	0	0	0	0	0	0	25,998	80,921	54,923	77,995	2,926	3.6%
Agency Administration	113,236	22,012	22,806	22,071	0	0	0	0	0	0	0	0	180,124	197,847	17,722	540,373	-342,526	-173.1%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	31,534	31,534	0	31,534	100.0%
<b>Total Charges</b>	<b>177,930</b>	<b>70,409</b>	<b>72,155</b>	<b>67,180</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>387,674</b>	<b>840,537</b>	<b>452,864</b>	<b>1,163,021</b>	<b>-322,483</b>	<b>-38.4%</b>



**Professional Engineers - 417  
Comparison of Budget to Actual**



**NOTES:**

<b>NonPersonal Services:</b>		
Budget	43,096	
Actual Year-to-Date	15,581	
Projected at June 30	42,898	
Projected Available/(Overexpended)	198	0.5%

ACTR 1426  
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 (PM)-CYCLE 0  
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COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
 DEPT OF PROFESSIONAL & OCCUPATIOAL REG  
 AGENCY ORGANIZATION EXPENDITURES COST CODE  
 AS OF 10/31/2007

AGENCY NO : 222  
 AGENCY PAGE: 51  
 REPORT PAGE: 2140  
 REQUEST NO. ACTR1426 A 00

\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS  
 \*\*\* ORGANIZATION LEVEL-2 417 BOARD FOR PROFESSIONAL ENGINEERS

OBJECT CODE	OBJECT TITLE	EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
1134	SPECIFIED PER DIEM PAYMENTS	150.00	600.00	2,000.00	1,400.00
	***** TOTAL OBJECT 11	150.00	600.00	2,000.00	1,400.00
1212	OUTBOUND FREIGHT SERVICES	190.55	190.55	.00	190.55-
1214	POSTAL SERVICES	865.47	4,537.12	19,414.00	14,876.88
1215	PRINTING SERVICES	.00	.00	1,000.00	1,000.00
1221	ORGANIZATION MEMBERSHIPS	.00	.00	4,000.00	4,000.00
1224	EMPLOYEE TRAINING COURSES/WORKSHOPS/CONFER	.00	.00	2,500.00	2,500.00
1227	EMPLOYEE TRAINING TRANS/LODGING/MEALS/INCI	.00	1,009.73	1,500.00	490.27
1243	ATTORNEY SERVICES	.00	1,257.91	5,032.00	3,774.09
1244	MANAGEMENT SERVICES	.00	.00	4,400.00	4,400.00
1264	FOOD & DIETARY SERVICES	52.67	95.91	250.00	154.09
1267	PRODUCTION SERVICES	38.66	76.52	750.00	673.48
1282	TRAVEL, PERSONAL VEHICLE	127.07	414.41	1,200.00	785.59
1285	TRAVEL, SUBSISTENCE, AND LODGING	.00	.00	500.00	500.00
1288	TRAVEL, MEAL REIMBURSEMENT-NOT REPORTABLE	.00	.00	300.00	300.00
	***** TOTAL OBJECT 12	1,274.42	7,582.15	40,846.00	33,263.85
1334	MERCHANDISE	.00	7,400.19	.00	7,400.19-
1362	FOOD & DIETARY SUPPLIES	.00	.00	100.00	100.00
	***** TOTAL OBJECT 13	.00	7,400.19	100.00	7,300.19-
2224	REFERENCE EQUIPMENT	.00	.00	150.00	150.00
	***** TOTAL OBJECT 22	.00	.00	150.00	150.00
	*** TOTAL ORG 2 417	1,424.42	15,582.34	43,096.00	27,513.66

ACTR 1426  
MONTHLY  
(PM)-CYCLE 0  
RUN DATE 11/08/2007 12:59 A.M.

COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
DEPT OF PROFESSIONAL & OCCUPATIOAL REG  
AGENCY ORGANIZATION EXPENDITURES COST CODE  
AS OF 10/31/2007

AGENCY NO : 222  
AGENCY PAGE: 52  
REPORT PAGE: 2141  
REQUEST NO. ACTR1426 A 00

\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS

OBJECT CODE	OBJECT TITLE			EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
**	TOTAL ORG 1	100		1,424.42	15,582.34	43,096.00	27,513.66

Department of Professional and Occupational Regulation  
Statement of Financial Activity

**Land Surveyors  
418**

2006-2008 Biennium

October 2007

	October 2007 Activity	Biennium-to-Date Comparison	
		July 2004 - October 2005	July 2006 - October 2007
Cash/Revenue Balance Brought Forward			209,060
Revenues	1,460	93,170	99,340
Cumulative Revenues			308,400
<b>Cost Categories:</b>			
Board Expenditures	33	16,228	29,459
Board Administration	1,179	13,417	17,702
Administration of Exams	1,411	14,149	17,734
Enforcement	57	750	781
Legal Services	0	673	475
Information Systems	790	10,244	12,172
Facilities and Support Services	249	8,137	6,517
Agency Administration	1,288	11,578	19,624
Other / Transfers	0	981	474
<b>Total Expenses</b>	<b>5,008</b>	<b>76,157</b>	<b>104,937</b>
<b>Ending Cash/Revenue Balance</b>			<b>203,463</b>

Actual Callahan Percentage at End of Previous Biennium	<b>176.8%</b>
Target Callahan Percentage at End of Current Biennium	<b>136.7%</b>

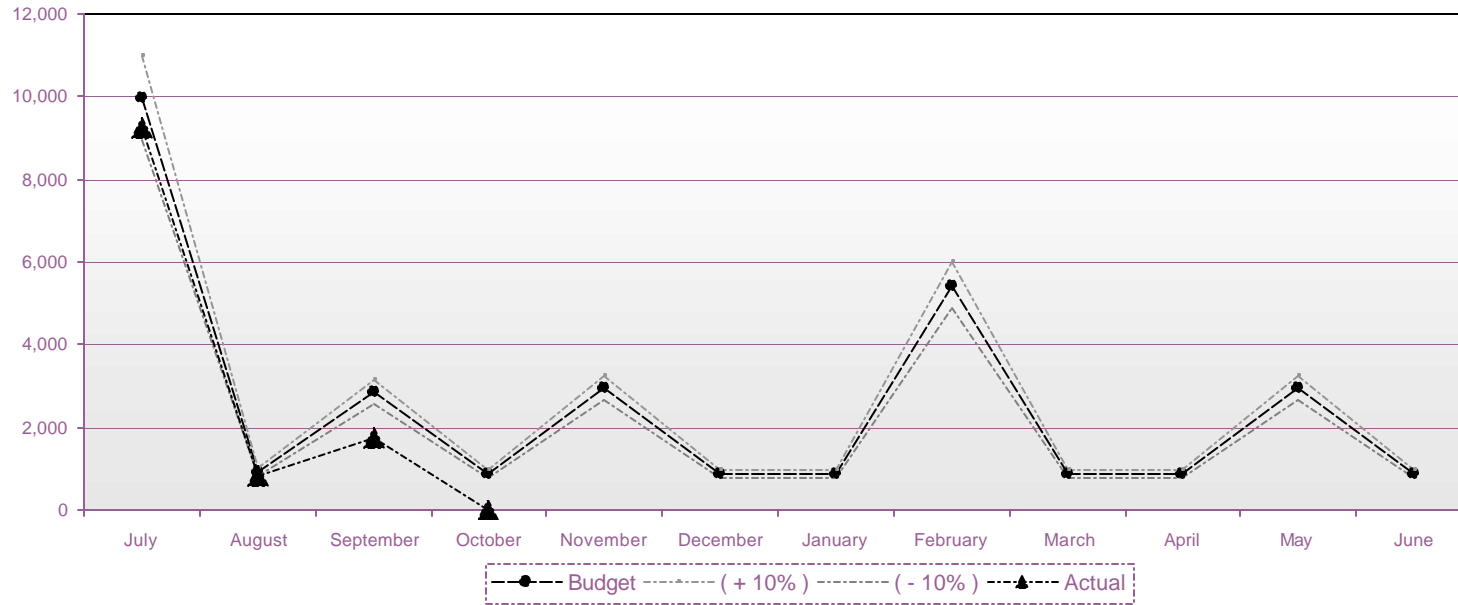
**Number of Regulants**

Current Month	1,441
Previous Biennium-to-Date	1,384

Department of Professional and Occupational Regulation  
Supporting Statement of Year-to-Date Activity  
Land Surveyors - 418  
Fiscal Year 2008

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	9,308	773	1,766	33	0	0	0	0	0	0	0	0	11,881	30,814	18,934	35,642	-4,827	-15.7%
Board Administration	1,625	1,233	1,112	1,179	0	0	0	0	0	0	0	0	5,149	14,978	9,828	15,448	-471	-3.1%
Administration of Exams	1,968	1,751	894	1,411	0	0	0	0	0	0	0	0	6,024	17,606	11,581	18,073	-467	-2.7%
Enforcement	74	56	57	57	0	0	0	0	0	0	0	0	243	864	621	729	135	15.6%
Legal Services	0	74	0	0	0	0	0	0	0	0	0	0	74	795	721	221	574	72.2%
Information Systems	900	791	737	790	0	0	0	0	0	0	0	0	3,218	9,337	6,119	9,654	-318	-3.4%
Facilities / Support Svcs	755	237	150	249	0	0	0	0	0	0	0	0	1,391	5,186	3,794	4,174	1,011	19.5%
Agency Administration	6,632	1,288	1,333	1,288	0	0	0	0	0	0	0	0	10,541	11,588	1,047	31,624	-20,036	-172.9%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	1,847	1,847	0	1,847	100.0%
<b>Total Charges</b>	<b>21,262</b>	<b>6,203</b>	<b>6,049</b>	<b>5,008</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>38,522</b>	<b>93,014</b>	<b>54,493</b>	<b>115,566</b>	<b>-22,551</b>	<b>-24.2%</b>

### Land Surveyors - 418 Comparison of Budget to Actual



**NOTES:**

NonPersonal Services:			
Budget		30,267	
Actual Year-to-Date		11,798	
Projected at June 30		27,434	
Projected Available/(Overexpended)		2,833	9.4%

ACTR 1426  
 MONTHLY  
 (PM)-CYCLE 0  
 RUN DATE 11/08/2007 12:59 A.M.

COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
 DEPT OF PROFESSIONAL & OCCUPATIOAL REG  
 AGENCY ORGANIZATION EXPENDITURES COST CODE  
 AS OF 10/31/2007

AGENCY NO : 222  
 AGENCY PAGE: 53  
 REPORT PAGE: 2142  
 REQUEST NO. ACTR1426 A 00

\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS  
 \*\*\* ORGANIZATION LEVEL-2 418 BOARD FOR LAND SURVEYORS

OBJECT CODE	OBJECT TITLE	EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
1134	SPECIFIED PER DIEM PAYMENTS	.00	500.00	1,600.00	1,100.00
	***** TOTAL OBJECT 11	.00	500.00	1,600.00	1,100.00
1211	EXPRESS SERVICES	.00	.00	50.00	50.00
1214	POSTAL SERVICES	4.61	317.76	1,400.00	1,082.24
1221	ORGANIZATION MEMBERSHIPS	.00	.00	3,500.00	3,500.00
1224	EMPLOYEE TRAINING COURSES/WORKSHOPS/CONFER	.00	9,100.00	800.00	8,300.00-
1227	EMPLOYEE TRAINING TRANS/LODGING/MEALS/INCI	.00	1,020.18	2,000.00	979.82
1243	ATTORNEY SERVICES	.00	73.68	295.00	221.32
1244	MANAGEMENT SERVICES	.00	.00	7,722.00	7,722.00
1247	LEGAL SERVICES	.00	.00	500.00	500.00
1264	FOOD & DIETARY SERVICES	.00	.00	100.00	100.00
1266	MANUAL LABOR SERVICES	.00	.00	300.00	300.00
1267	PRODUCTION SERVICES	.00	5.41	25.00	19.59
1282	TRAVEL, PERSONAL VEHICLE	.00	779.88	2,500.00	1,720.12
1285	TRAVEL, SUBSISTENCE, AND LODGING	.00	.00	250.00	250.00
1288	TRAVEL, MEAL REIMBURSEMENT-NOT REPORTABLE	.00	.00	125.00	125.00
	***** TOTAL OBJECT 12	4.61	11,296.91	19,567.00	8,270.09
	*** TOTAL ORG 2 418	4.61	11,796.91	21,167.00	9,370.09

ACTR 1426  
MONTHLY  
(PM)-CYCLE 0  
RUN DATE 11/08/2007 12:59 A.M.

COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
DEPT OF PROFESSIONAL & OCCUPATIOAL REG  
AGENCY ORGANIZATION EXPENDITURES COST CODE  
AS OF 10/31/2007

AGENCY NO : 222  
AGENCY PAGE: 54  
REPORT PAGE: 2143  
REQUEST NO. ACTR1426 A 00

\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS

OBJECT CODE	OBJECT TITLE			EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
**	TOTAL ORG 1	100		4.61	11,796.91	21,167.00	9,370.09



Department of Professional and Occupational Regulation  
Statement of Financial Activity

**Landscape Architects**  
**419**

2006-2008 Biennium

October 2007

	October 2007 Activity	Biennium-to-Date Comparison	
		July 2004 - October 2005	July 2006 - October 2007
Cash/Revenue Balance Brought Forward			126,799
Revenues	4,525	61,535	71,930
Cumulative Revenues			198,729
Cost Categories:			
Board Expenditures	5,680	15,764	17,204
Board Administration	409	4,897	6,215
Administration of Exams	1,401	10,493	20,994
Enforcement	2	5	26
Legal Services	0	318	246
Information Systems	274	3,744	4,273
Facilities and Support Services	79	2,953	2,322
Agency Administration	447	4,227	6,867
Other / Transfers	0	359	106
<b>Total Expenses</b>	<b>8,292</b>	<b>42,761</b>	<b>58,253</b>
<b>Ending Cash/Revenue Balance</b>			<b>140,476</b>

Actual Callahan Percentage at End of Previous Biennium	<b>207.9%</b>
Target Callahan Percentage at End of Current Biennium	<b>156.0%</b>

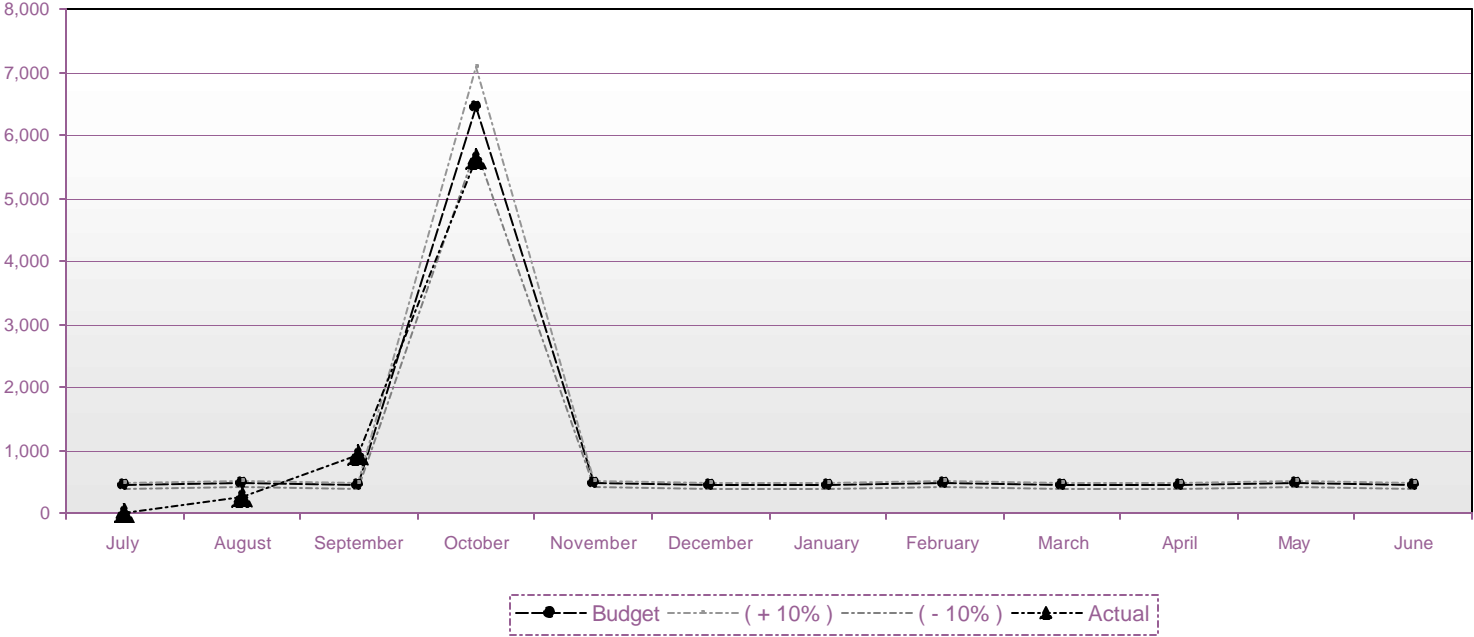
**Number of Regulants**

Current Month	764
Previous Biennium-to-Date	674

Department of Professional and Occupational Regulation  
Supporting Statement of Year-to-Date Activity  
Landscape Architects - 419  
Fiscal Year 2008

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	70	310	1,023	5,680	0	0	0	0	0	0	0	0	7,083	11,927	4,845	21,248	-9,320	-78.1%
Board Administration	566	429	386	409	0	0	0	0	0	0	0	0	1,790	5,215	3,425	5,369	-154	-2.9%
Administration of Exams	1,955	1,739	888	1,401	0	0	0	0	0	0	0	0	5,983	17,485	11,502	17,949	-464	-2.7%
Enforcement	2	2	2	2	0	0	0	0	0	0	0	0	7	27	19	22	4	15.6%
Legal Services	0	39	0	0	0	0	0	0	0	0	0	0	39	155	116	116	39	25.2%
Information Systems	313	275	256	274	0	0	0	0	0	0	0	0	1,118	3,251	2,133	3,355	-104	-3.2%
Facilities / Support Svcs	226	104	86	79	0	0	0	0	0	0	0	0	495	1,824	1,329	1,485	339	18.6%
Agency Administration	2,309	448	462	447	0	0	0	0	0	0	0	0	3,667	4,035	368	11,000	-6,965	-172.6%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	643	643	0	643	100.0%
<b>Total Charges</b>	<b>5,442</b>	<b>3,345</b>	<b>3,102</b>	<b>8,292</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>20,181</b>	<b>44,562</b>	<b>24,381</b>	<b>60,543</b>	<b>-15,981</b>	<b>-35.9%</b>

**Landscape Architects - 419  
Comparison of Budget to Actual**



**NOTES:**

<b>NonPersonal Services:</b>		
<b>Budget</b>	<u>11,310</u>	
<b>Actual Year-to-Date</b>	6,773	
<b>Projected at June 30</b>	<u>10,326</u>	
<b>Projected Available/(Overexpended)</b>	<b>984</b>	<b>8.7%</b>

ACTR 1426  
 MONTHLY  
 (PM)-CYCLE 0  
 RUN DATE 11/08/2007 12:59 A.M.

COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
 DEPT OF PROFESSIONAL & OCCUPATIOAL REG  
 AGENCY ORGANIZATION EXPENDITURES COST CODE  
 AS OF 10/31/2007

AGENCY NO : 222  
 AGENCY PAGE: 55  
 REPORT PAGE: 2144  
 REQUEST NO. ACTR1426 A 00

\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS  
 \*\*\* ORGANIZATION LEVEL-2 419 BOARD FOR LANDSCAPE ARCHITECTS

OBJECT CODE	OBJECT TITLE	EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
1134	SPECIFIED PER DIEM PAYMENTS	.00	200.00	800.00	600.00
	***** TOTAL OBJECT 11	.00	200.00	800.00	600.00
1214	POSTAL SERVICES	21.11	69.74	700.00	630.26
1221	ORGANIZATION MEMBERSHIPS	5,550.00	5,550.00	5,800.00	250.00
1224	EMPLOYEE TRAINING COURSES/WORKSHOPS/CONFER	.00	600.00	600.00	.00
1227	EMPLOYEE TRAINING TRANS/LODGING/MEALS/INCI	.00	.00	1,000.00	1,000.00
1243	ATTORNEY SERVICES	.00	38.63	155.00	116.37
1244	MANAGEMENT SERVICES	.00	.00	1,455.00	1,455.00
1264	FOOD & DIETARY SERVICES	.00	52.40	.00	52.40-
1282	TRAVEL, PERSONAL VEHICLE	33.46	240.08	800.00	559.92
1285	TRAVEL, SUBSISTENCE, AND LODGING	2.70	2.70	.00	2.70-
	***** TOTAL OBJECT 12	5,607.27	6,553.55	10,510.00	3,956.45
1312	OFFICE SUPPLIES	.00	18.96	.00	18.96-
	***** TOTAL OBJECT 13	.00	18.96	.00	18.96-
	*** TOTAL ORG 2 419	5,607.27	6,772.51	11,310.00	4,537.49

ACTR 1426  
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COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
DEPT OF PROFESSIONAL & OCCUPATIOAL REG  
AGENCY ORGANIZATION EXPENDITURES COST CODE  
AS OF 10/31/2007

AGENCY NO : 222  
AGENCY PAGE: 56  
REPORT PAGE: 2145  
REQUEST NO. ACTR1426 A 00

\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS

OBJECT CODE	OBJECT TITLE			EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
**	TOTAL ORG 1	100		5,607.27	6,772.51	11,310.00	4,537.49

Department of Professional and Occupational Regulation  
Statement of Financial Activity

**Business Entities, Professional Corporations and PLLC's**  
**420**

2006-2008 Biennium

October 2007

	October 2007 Activity	Biennium-to-Date Comparison	
		July 2004 - October 2005	July 2006 - October 2007
Cash/Revenue Balance Brought Forward			74,385
Revenues	2,330	28,598	32,000
Cumulative Revenues			106,385
Cost Categories:			
Board Expenditures	89	1,019	1,737
Board Administration	82	23,263	30,039
Administration of Exams	0	0	0
Enforcement	20	350	205
Legal Services	0	1,108	830
Information Systems	55	17,871	20,726
Facilities and Support Services	36	11,471	9,171
Agency Administration	89	20,037	33,721
Other / Transfers	0	1,737	753
Total Expenses	371	76,856	97,184
Ending Cash/Revenue Balance			9,201

Actual Callahan Percentage at End of Previous Biennium	<b>62.1%</b>
Target Callahan Percentage at End of Current Biennium	<b>36.8%</b>

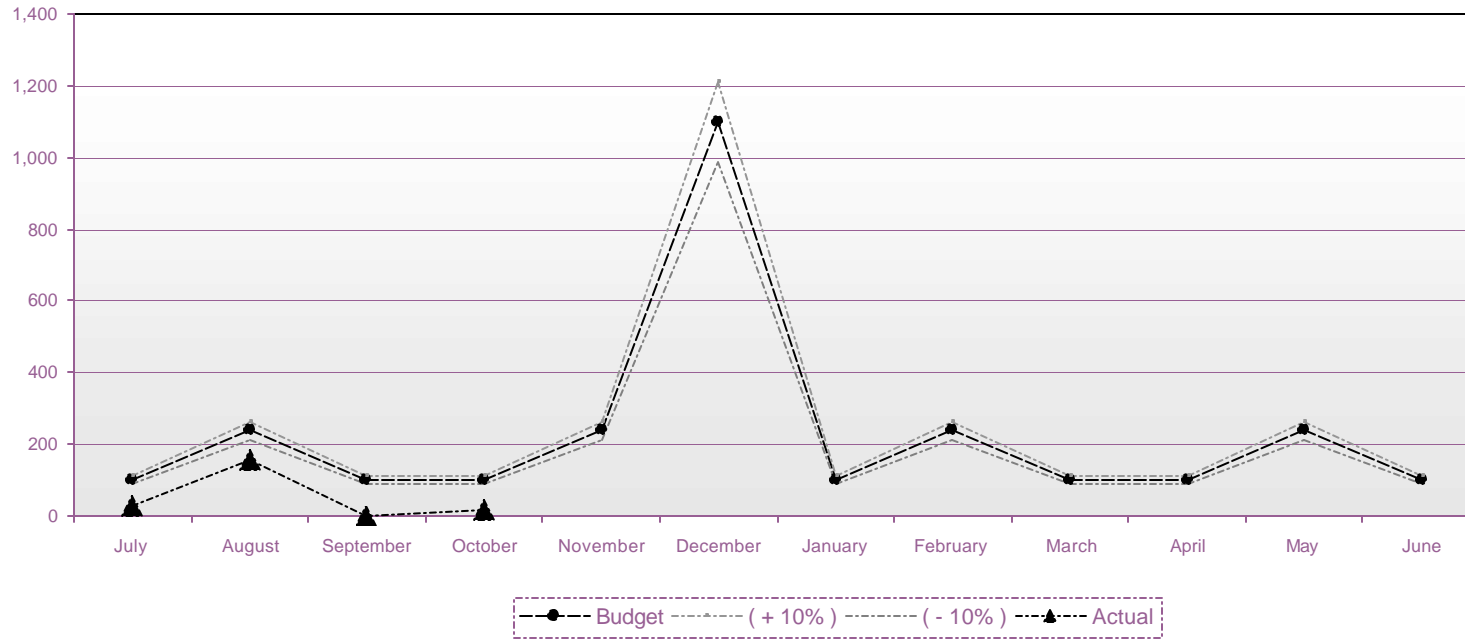
**Number of Regulants**

Current Month	280
Previous Biennium-to-Date	2,536

Department of Professional and Occupational Regulation  
Supporting Statement of Year-to-Date Activity  
Business Entities, PCs and PLLCs  
Fiscal Year 2008

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	95	40	38	89	0	0	0	0	0	0	0	0	262	7,505	7,243	785	6,720	89.5%
Board Administration	3,035	2,308	2,089	82	0	0	0	0	0	0	0	0	7,513	27,974	20,460	22,540	5,434	19.4%
Administration of Exams	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Enforcement	25	19	20	20	0	0	0	0	0	0	0	0	84	299	215	252	47	15.6%
Legal Services	0	138	0	0	0	0	0	0	0	0	0	0	138	550	412	413	137	24.9%
Information Systems	1,680	1,481	1,384	55	0	0	0	0	0	0	0	0	4,600	17,438	12,838	13,800	3,638	20.9%
Facilities / Support Svcs	1,194	340	291	36	0	0	0	0	0	0	0	0	1,861	7,602	5,741	5,583	2,019	26.6%
Agency Administration	12,387	2,410	2,503	89	0	0	0	0	0	0	0	0	17,389	21,643	4,254	52,168	-30,525	-141.0%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	3,450	3,450	0	3,450	100.0%
<b>Total Charges</b>	<b>18,417</b>	<b>6,735</b>	<b>6,324</b>	<b>371</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>31,847</b>	<b>86,460</b>	<b>54,613</b>	<b>95,540</b>	<b>-9,081</b>	<b>-10.5%</b>

**Professional Corporations, Business Entities and PLLCs - 420  
Comparison of Budget to Actual**



**NOTES:**

<b>NonPersonal Services:</b>			
<b>Budget</b>		<u>2,741</u>	
<b>Actual Year-to-Date</b>		194	
<b>Projected at June 30</b>		<u>2,401</u>	
<b>Projected Available/(Overexpended)</b>		<b>340</b>	<b>12.4%</b>



ACTR 1426  
 MONTHLY  
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COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
 DEPT OF PROFESSIONAL & OCCUPATIOAL REG  
 AGENCY ORGANIZATION EXPENDITURES COST CODE  
 AS OF 10/31/2007

AGENCY NO : 222  
 AGENCY PAGE: 57  
 REPORT PAGE: 2146  
 REQUEST NO. ACTR1426 A 00

\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS  
 \*\*\* ORGANIZATION LEVEL-2 420 APELSCIDLA BUS ENT, PC'S & PLLC'S

OBJECT CODE	OBJECT TITLE	EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
1214	POSTAL SERVICES	13.94	56.51	2,091.00	2,034.49
1243	ATTORNEY SERVICES	.00	137.61	550.00	412.39
1267	PRODUCTION SERVICES	.00	.00	100.00	100.00
	***** TOTAL OBJECT 12	13.94	194.12	2,741.00	2,546.88
	*** TOTAL ORG 2 420	13.94	194.12	2,741.00	2,546.88

ACTR 1426  
MONTHLY  
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COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
DEPT OF PROFESSIONAL & OCCUPATIOAL REG  
AGENCY ORGANIZATION EXPENDITURES COST CODE  
AS OF 10/31/2007

AGENCY NO : 222  
AGENCY PAGE: 58  
REPORT PAGE: 2147  
REQUEST NO. ACTR1426 A 00

\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS

OBJECT CODE	OBJECT TITLE			EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
**	TOTAL ORG 1	100		13.94	194.12	2,741.00	2,546.88

Department of Professional and Occupational Regulation  
Statement of Financial Activity

**Interior Designers**  
422

2006-2008 Biennium

October 2007

	October 2007 Activity	Biennium-to-Date Comparison	
		July 2004 - October 2005	July 2006 - October 2007
Cash/Revenue Balance Brought Forward			65,259
Revenues	725	16,715	18,055
Cumulative Revenues			83,314
<b>Cost Categories:</b>			
Board Expenditures	43	5,900	6,146
Board Administration	82	979	1,243
Administration of Exams	0	478	550
Enforcement	0	1	4
Legal Services	0	196	137
Information Systems	55	749	855
Facilities and Support Services	23	724	622
Agency Administration	89	845	1,373
Other / Transfers	0	72	42
<b>Total Expenses</b>	<b>293</b>	<b>9,945</b>	<b>10,973</b>
<b>Ending Cash/Revenue Balance</b>			<b>72,341</b>

Actual Callahan Percentage at End of Previous Biennium	<b>422.7%</b>
Target Callahan Percentage at End of Current Biennium	<b>284.8%</b>

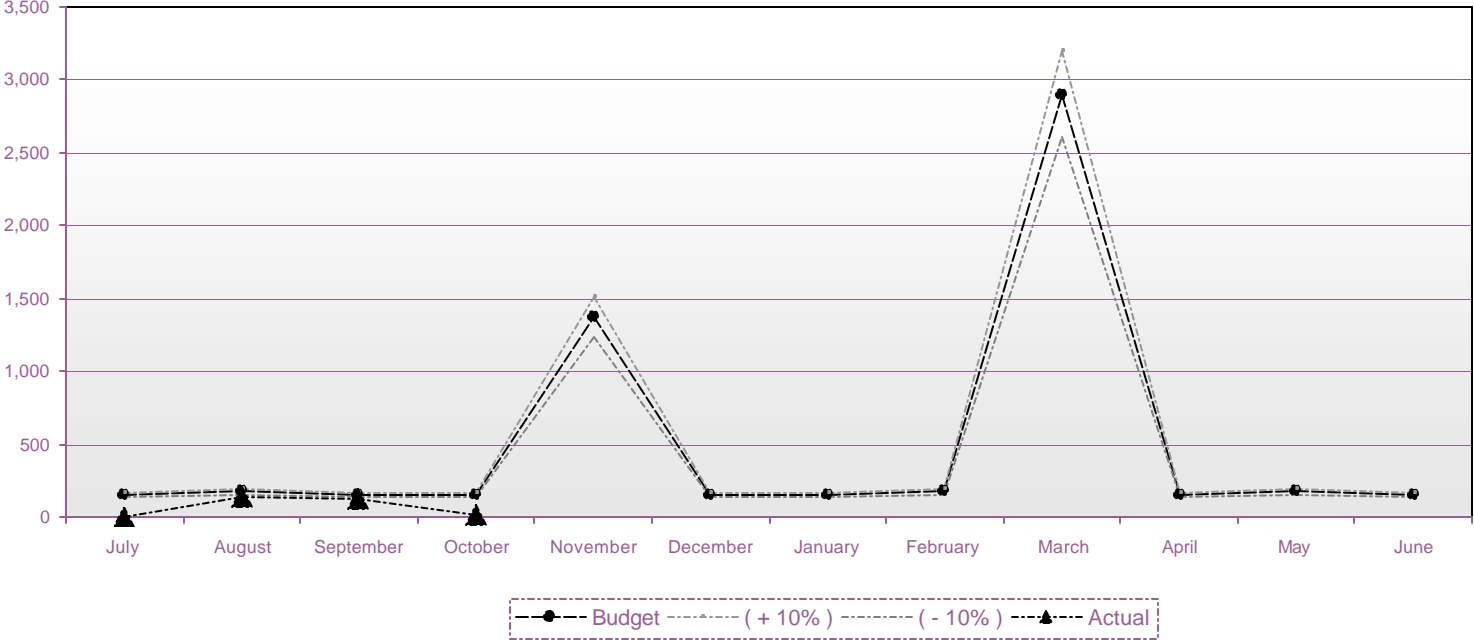
**Number of Regulants**

Current Month	422
Previous Biennium-to-Date	405

Department of Professional and Occupational Regulation  
Supporting Statement of Year-to-Date Activity  
Interior Designers - 422  
Fiscal Year 2008

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	41	169	158	43	0	0	0	0	0	0	0	0	411	6,082	5,671	1,232	4,850	79.7%
Board Administration	113	86	77	82	0	0	0	0	0	0	0	0	358	1,043	685	1,074	-31	-2.9%
Administration of Exams	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Enforcement	1	0	0	0	0	0	0	0	0	0	0	0	2	7	5	6	1	15.6%
Legal Services	0	21	0	0	0	0	0	0	0	0	0	0	21	85	64	64	21	24.9%
Information Systems	63	55	51	55	0	0	0	0	0	0	0	0	224	650	427	671	-21	-3.2%
Facilities / Support Svcs	47	24	28	23	0	0	0	0	0	0	0	0	122	535	413	367	168	31.4%
Agency Administration	462	90	92	89	0	0	0	0	0	0	0	0	733	807	74	2,200	-1,393	-172.6%
Other / Transfers	0	0	0	0	0	0	0	0	0	0	0	0	0	129	129	0	129	100.0%
<b>Total Charges</b>	<b>726</b>	<b>445</b>	<b>407</b>	<b>293</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,871</b>	<b>9,338</b>	<b>7,467</b>	<b>5,613</b>	<b>3,724</b>	<b>39.9%</b>

**Interior Designers - 422  
Comparison of Budget to Actual**



**NOTES:**

<b>NonPersonal Services:</b>			
<b>Budget</b>		<u>5,867</u>	
<b>Actual Year-to-Date</b>		275	
<b>Projected at June 30</b>		<u>5,510</u>	
<b>Projected Available/(Overexpended)</b>		<b>357</b>	<b>6.1%</b>

ACTR 1426  
 MONTHLY  
 (PM)-CYCLE 0  
 RUN DATE 11/08/2007 12:59 A.M.

COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
 DEPT OF PROFESSIONAL & OCCUPATIOAL REG  
 AGENCY ORGANIZATION EXPENDITURES COST CODE  
 AS OF 10/31/2007

AGENCY NO : 222  
 AGENCY PAGE: 59  
 REPORT PAGE: 2148  
 REQUEST NO. ACTR1426 A 00

\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS  
 \*\*\* ORGANIZATION LEVEL-2 422 INTERIOR DESIGNERS

OBJECT CODE	OBJECT TITLE	EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
1134	SPECIFIED PER DIEM PAYMENTS	.00	200.00	900.00	700.00
	***** TOTAL OBJECT 11	.00	200.00	900.00	700.00
1214	POSTAL SERVICES	10.79	25.31	180.00	154.69
1221	ORGANIZATION MEMBERSHIPS	.00	.00	3,000.00	3,000.00
1224	EMPLOYEE TRAINING COURSES/WORKSHOPS/CONFER	.00	.00	400.00	400.00
1227	EMPLOYEE TRAINING TRANS/LODGING/MEALS/INCI	.00	.00	924.00	924.00
1243	ATTORNEY SERVICES	.00	21.29	85.00	63.71
1264	FOOD & DIETARY SERVICES	.00	.00	153.00	153.00
1267	PRODUCTION SERVICES	.00	.00	25.00	25.00
1282	TRAVEL, PERSONAL VEHICLE	.00	28.63	200.00	171.37
	***** TOTAL OBJECT 12	10.79	75.23	4,967.00	4,891.77
	*** TOTAL ORG 2 422	10.79	275.23	5,867.00	5,591.77

ACTR 1426  
MONTHLY  
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COMMONWEALTH ACCOUNTING AND REPORTING SYSTEM / CARS  
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\*\* ORGANIZATION LEVEL-1 100 DEPARTMENT TOTALS

OBJECT CODE	OBJECT TITLE			EXPENDED THIS MONTH	EXPENDED YEAR TO DATE	BUDGETED	UNEXPENDED BALANCE
**	TOTAL ORG 1	100		10.79	275.23	5,867.00	5,591.77

## **Other Business**



## **ADJOURN**

Please give your CD to Mark Courtney, Michelle Gowen, or Marian Brooks. If you do not have your CD with you, please destroy immediately upon your return.