

**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 25, 2012, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Architects

Robert A. Boynton
Clint Good
Michael F. LeMay

Professional Engineers

John L. Combs
Wiley V. Johnson, III
Carolyn B. Langelotti

Land Surveyors

Patrick D. Leary
Paul deC. Holt, Jr.
Nancy E. McIntyre

Interior Designers

Lorri Finn
Sheila E. Wilson

Landscape Architects

A. Cabell Crowther
Andrew M. Scherzer

Board staff present for all or part of the meeting were:

Kathleen (Kate) R. Nusbisch, Executive Director
Justin Garofalo, Board Administrator
Amy Goobic, Administrative Assistant

Agency Staff present for all or part of the meeting were:

Gordon N. Dixon, Director
Nick Christner, Deputy Director, Licensing, Investigations & Compliance
Mark Courtney, Senior Director for Regulatory & Public Affairs
Ann-Marie Brigil, Hearing and Legal Services Manager

Steven P. Jack, Assistant Attorney General, arrived at 10:30 a.m..

Mr. Johnson, Chair, called the meeting to order at 9:36 a.m.

Call to Order

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

**Emergency
Evacuation
Procedures**

Mr. Johnson welcomed and introduced new board members: Robert A. (Bob) Boynton, Architect; Carolyn B. (Carrie) Langelotti, Professional Engineer; and Sheila E. Wilson, Certified Interior Designer.

**Welcome &
Introduction of New
Board Members**

Mr. LeMay moved to approve the agenda as amended. Ms. Finn seconded the motion which was unanimously approved by members: Boynton, Combs, Crowther, Finn, Good, Holt, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Approval of Agenda

Ms. McIntyre moved to approve the minutes for the following meetings:

Approval of Minutes

- APELSCIDLA Board Meeting, June 12, 2012;
- Informal Fact-Finding Conference, June 28, 2012;
- Architect Section Meeting, July 24, 2012;
- Professional Engineers & Land Surveyors Section Meeting, August 16, 2012; and
- Land Surveyors Exam Review Session, August 16, 2012.

Mr. LeMay seconded the motion which was unanimously approved by members: Boynton, Combs, Crowther, Finn, Good, Holt, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Mr. R. Joseph Trammell addressed the Board regarding the board's previous discussions on value engineering and use of another professional's plans. Mr. Trammell read a letter he sent to Ms. Nosbisch on the topic. Mr. Trammell considers value engineering and use of another professional's plans, two different issues and feels the discussions by the Board are an attempt to clarify 18VAC10-20-740.D. Mr. Trammell commented that 18VAC10-20-740.D is a violation of copyright law and 54.1 of the Code of Virginia.

**Public Comment
Period**

Mr. Reed Adams, VDOT State Survey Manager, addressed the Board stating that he was in attendance to answer any questions regarding agenda item #15, the discussion on VDOT signing and sealing requirements for surveyors.

Mr. John Palatiello, Executive Director MAPPS, was present and addressed the Board regarding VITA's Request for Proposal (RFP) for mapping services, item #17 on the agenda. Mr. Palatiello stated that the RFP does not require a license surveyor photogrammetrist or land surveyor, and that VITA is not in compliance with the laws regulating photogrammetrists. Mr. Palatiello indicated he would be available to answer any questions the Board may have on agenda item #17.

Mr. Curt Sumner, National Society of Professional Surveyors, was present to address the Board, stating that he concurred with Mr. Palatiello regarding agenda item #17, and expressed gratitude to the Board for discussing the topic.

Mr. Will Nash, President, Virginia Association of Surveyors (VAS), was present to address the Board. Mr. Nash stated that he and the VAS are in agreement with Mr. Palatiello and Mr. Sumner regarding agenda item #17.

Mr. Johnson read the following resolutions from the APELSCIDLA Board to former board members, James R. (Jim) Boyd, Nico De León and Cameron C. Stiles:

**Resolutions for
Former Board
Members James R.
Boyd,**

RESOLUTION TO
James R. Boyd

WHEREAS, **James R. Boyd** did faithfully and diligently serve as a member of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 2008 to 2012;

WHEREAS, **James R. Boyd** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **James R. Boyd** did endeavor at all times to render decisions with fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects this twenty-fifth day of September, 2012, that **James R. Boyd** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Johnson presented the resolution to Mr. Boyd. Mr. Boyd thanked the Board and staff for their hard work, specifically mentioning board licensing specialist, Ramona Norris, who processes the Architect licenses.

RESOLUTION TO
Nico De León

WHEREAS, **Nico De León** did faithfully and diligently serve as a member of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 2004 to 2012;

WHEREAS, **Nico De León** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Nico De León** did endeavor at all times to render decisions with

fairness and good judgment in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects this twenty-fifth day of September, 2012, that **Nico De León** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held by this Board.

Mr. Johnson presented the resolution to Mr. De León. Mr. De León expressed his gratitude to the Board and staff.

RESOLUTION TO
Cameron C. Stiles

WHEREAS, **Cameron C. Stiles** did faithfully and diligently serve as a member of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 2004 to 2012;

WHEREAS, **Cameron C. Stiles** did devote generously of her time, talent and leadership to the Board;

WHEREAS, **Cameron C. Stiles** did endeavor at all times to render decisions with fairness and good judgement in the best interest of the citizens of the Commonwealth and these professions; and

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects wishes to acknowledge its gratitude for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth;

NOW THEREFORE BE IT RESOLVED, by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects this twenty-fifth day of September, 2012, that **Cameron C. Stiles** be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be

made a part of the official minutes of the Board so that all may know of the high regard in which she is held by this Board.

Ms. Stiles was unable to attend the meeting.

The Board agreed by consensus to adopt the resolutions.

Ms. Nosbisch provided the Board with an update on the Continuing Education Audit conducted in March. 386 audit letters were mailed in March: 81% passed, 12% are in process and 7% had no response.

**Continuing
Education Audit
Report**

Ms. Nosbisch informed the Board that the Regulatory Review Committee was formed September 2009 to conduct a periodic regulatory review. The Notice of Intended Regulatory Action (NOIRA) was submitted 2010, and the proposed stage regulations are still in the Governor's office awaiting approval. Ms. Nosbisch recommended the Board review the proposed regulations at the December 13, 2012, Board meeting.

**Regulatory Review
Update**

Mr. Crowther nominated Mr. Scherzer as Chair of the Landscape Architect Section. The Board approved by consensus. Ms. Wilson nominated Ms. Finn as Chair of the certified Interior Designer Section. The Board approved by consensus.

**Election of Section
Chairs – Landscape
Architects &
Certified Interior
Designers**

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

**Compliance &
Investigations
Activity**

Board members were provided financial statements for informational purposes. Ms. Nosbisch informed the Board that she had spoken with Jeff Waite, Budget Director, and according to long term projections, there would be no fee increase until the 2016-2018 time frame.

**Review of Board
Financial Statements**

Mr. Johnson provided an update on the recent NCEES Annual meeting, held in St. Louis, MO, August 22-25. Mr. Johnson, Ms. Nosbich and Mr. Leary attended the meeting. Mr. Johnson reported that the Virginia Board had officially transitioned from the Northeast Zone to the Southern Zone, by vote on the bylaws at the annual meeting. He further reported that former Board member Stanley Harris, PE, was presented the NCEES Distinguished Service Award with Special Commendation; computer based testing (CBT) was moving forward aggressively with the FE and FS slated to begin in 2014; Ms. Nosbisch was appointed to the Mobility Task Force Committee; and he was appointed to the Committee on Examinations for Professional Engineers.

**NCEES, NCARB,
CLARB & NCIDQ
Updates**

Ms. Nosbisch informed the Board that Virginia is scheduled to host the 2015 NCEES Northeast Zone meeting. The meeting will be held in Williamsburg, at the Williamsburg Lodge.

Mr. Good provided an update on the NARB Annual meeting, held in Minneapolis, MN, June 21-24. Mr. Good, Ms. Nosbisch, Mr. LeMay, and former board member, James R. Boyd attended the meeting. Mr. Good reported that the newly named "NCARB Award" was discussed. The award is designed for new initiatives for integrating education and experience.

Ms. Nosbisch reported that NCARB had a reorganization, with reorganized directorates and the merging of several job titles. She further reported that the Iowa Board was considering combining the same five professions as the Virginia Board, which would create another APELSCIDLA Board.

Mr. Scherzer provided an update on CLARB. Mr. Scherzer reported that he was unable to attend the meeting in San Francisco, CA, September 6-8, although Ms. Nosbisch participated virtually over the course of the three day meeting. Mr. Scherzer stated that the LARE had completely transitioned to CBT.

Ms. Finn reported that the NCIDQ Annual meeting will be held in Chicago, IL, November 8-10.

Mr. Jack arrived at 10:30 a.m.

Arrival of Mr. Jack

The Board recessed from 10:35 a.m. until 10:45 a.m.

Recess

Following the recess, Mr. Johnson requested that the agenda be amended to move the cases forward to the next agenda item. Mr. Leary moved to amend the agenda as requested. Ms. Finn seconded the motion which was unanimously approved by members: Boynton, Combs, Crowther, Finn, Good, Holt, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Ms. Cacace was present to address the Board.

File Number 2012-00175, Deborah A. Cacace

Regarding **File Number 2012-00175, Deborah A. Cacace**, Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference. Mr. Leary recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violation of the Board's regulations: 18VAC10-20-790.A.3 (Count 1); there was a finding of no violation on Count 2. Mr. Holt seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Holt, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Ms. Brigil informed the Board that Ms. Cacace had no prior violations. Mr. Boynton moved to recommend that the Board accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding

Conference: \$2,500 for the violation contained in Count 1; probation of one year; and 2 hours of continuing education coursework in ethics and provide proof of attendance and successful completion within six (6) months of the effective date of the order.. Mr. Leary seconded the motion which was unanimously approved by members: Boynton, Crowther, Finn, Good, Holt, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson. As the presiding Board member, Mr. Combs was not present during the presentation, discussion or vote.

Regarding **File Number 2012-00537, Dennis Daryl Willis**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Willis. Mr. Holt moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC10-20-790.A.7 (Count 1); 18VAC10-20-370.A (Count 2); 18VAC10-20-370.D.1 (Count 3); 18VAC10-20-370.C.4 (Count 4); 18VAC10-20-370.D.2 (Count 5); 18VAC10-20-740.F (Count 6); and 18VAC10-20-760.B.2 (Count 7). For these violations, Mr. Willis agrees to pay the following monetary penalties: \$500.00 for the violation contained in Count 1; \$300.00 for the violation contained in Count 2; \$250.00 for the violation contained in Count 3; \$250.00 for the violation contained in Count 4; \$250.00 for the violation contained in Count 5; \$250.00 for the violation contained in Count 6; \$200.00 for the violation contained in Count 7; and \$150.00 in board costs, for a total monetary penalty of \$2,150.00. In addition Mr. Willis agrees to complete at least four hours of continuing education pertaining to ethics and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months. These continuing education hours will not count towards any continuing education requirements, for renewal of license. Mr. Crowther seconded the motion which was unanimously approved by members: Boynton, Combs, Crowther, Finn, Good, Holt, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson. As the presiding board member, Mr. Johnson, was not present for the discussion or vote.

File Number 2012-00537, Dennis Daryl Willis

Regarding **File Number 2011-03990, Moe Khine**, the Board members reviewed the Agreement for Licensure presented to Mr. Khine. Mr. Combs moved to accept the Agreement for Licensure which states that the Board shall waive the sixteen (16) hours of continuing education requirements for renewal or reinstatement as required in 18VAC10-20-683, for the September 1, 2008-August 31, 2010, time period due to undue hardship. Mr. Khine's license expired August 31, 2012, and has not been reinstated. The Agreement must be executed by Mr. Khine and returned to the Board within thirty (30) days of receipt. Mr. Leary seconded the motion which was approved by members: Boynton, Combs, Crowther, Finn, Good, Holt, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson. As the presiding Board member, Mr. Johnson, was not present for the discussion or vote.

File Number 2011-03990, Moe Khine

Regarding **File Number 2013-00123, Cecil R. Hamblin**, the Board members reviewed the Agreement for Licensure presented to Mr. Hamblin. Mr. Boynton moved to accept the Agreement for Licensure which states that the Board shall waive sixteen (16) hours of the continuing education requirements for renewal or reinstatement as required in 18VAC10-20-683, for the April 1, 2010 – March 31, 2012, time period due to undue hardship. The Agreement must be executed by Mr. Hamblin and returned to the Board within thirty (30) days of receipt. Failure to comply with all aspects of the licensing agreement will result in automatic suspension of Mr. Hamblin's license until such time as there is complete satisfactory compliance. Ms. McIntyre seconded the motion which was approved by members: Boynton, Combs, Crowther, Finn, Good, Holt, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson. As the presiding Board member, Mr. Johnson, was not present for the discussion or vote.

File Number 2013-00123, Cecil R. Hamblin

After reviewing the application and Agreement for Registration, Mr. Scherzer moved to accept the Agreement for Registration as seen and agreed to by Parsons Government Services, Inc. Mr. Good seconded the motion which was unanimously approved by members: Boynton, Combs, Crowther, Finn, Good, Holt, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Agreement for Registration 2013-01, Parsons Government Services, Inc.

After reviewing the application and Agreement for Registration, Mr. Crowther moved to accept the Agreement for Registration as seen and agreed to by AMEC Oil & Gas, Inc. Ms. McIntyre seconded the motion which was unanimously approved by members: Boynton, Combs, Crowther, Finn, Good, Holt, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Agreement for Registration 2013-02, AMEC Oil & Gas, Inc.

Mr. Boynton recused himself from the meeting.

Recusal of Mr. Boynton

Mr. R. Joseph Trammell and Mr. Stephen Farcaci, counsel for Rule Joy Trammell + Rubio, LLC, were present to address the Board. Mr. Trammell read a prepared statement to the Board stating his disapproval of the process by which he was brought before the Board, and his disagreement with the recommendations of Board members, that there was no credible evidence that he violated any of the Board's regulations. Mr. Trammell exceeded the allotted five minute comment period. Mr. Good moved to allow Mr. Trammell an additional three minutes. Mr. LeMay seconded the motion, the Board agreed by consensus. Mr. Trammell exceeded the additional three minutes. Mr. Good moved to allow Mr. Trammell an additional two minutes. Mr. LeMay seconded the motion, the Board agreed by consensus.

File Number 2011-04617, Rule Joy Trammell + Rubio, LLC

Mr. Farcaci stated that he hoped the Board will consider the Consent Order Mr. Trammell presented as a counter offer to the Architect Section's recommendation. He further commented that the alleged violation of 18VAC10-20-740.A contained in the complaint, that RJT+R hired an

unlicensed business entity was flawed, as RJT+R did not have any reason to believe the company was not licensed. Mr. Faraci considers this an invitation for any regulation to be outside the scope of the Board.

Regarding **File Number 2011-04617, Rule Joy Trammell + Rubio, LLC**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference.

At 11:17 a.m. Ms. McIntyre made the following motion: Mr. Chairman, I move that this meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of deliberation on disciplinary cases resulting from Informal or Formal Hearings in order to reach a decision as permitted by § 2.2-3711.A.27 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Stephen Jack, Gordon Dixon, Kate Nobsch and Nick Christner.

**Closed Session to
Review File Number
2011-04617, Rule Joy
Trammell + Rubio,
LLC**

Ms. Finn read the following certification of closed meeting:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3712 of the *Code of Virginia* requires a certification by this APELSCIDLA Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the APELSCIDLA Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the APELSCIDLA Board.

VOTE

AYES: 12

NAYS: 0

ABSENT DURING THE VOTE: Mr. Boynton

At 12:50 p.m. Ms. McIntyre moved to adjourn the closed session. Mr. Leary

seconded the motion which was unanimously approved by members: Combs, Crowther, Finn, Good, Holt, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Following the closed session, Board members reviewed the Consent Order as seen and agreed to by Mr. Trammell. Mr. Good moved to accept the Consent Order counter offered by Mr. Trammell which cites the following violation of the Board's regulations: 18VAC10-20-760 (Count 1). For this violation, Mr. Trammell agrees to pay the following amended monetary penalty: \$1,000.00 for the violation contained in Count 1. Mr. Combs seconded the motion which was approved by members: Combs, Crowther, Finn, Good, Holt, Johnson, Langelotti, Leary, McIntyre, Scherzer and Wilson. Mr. LeMay was opposed.

Mr. Boynton returned to the meeting.

Return of Mr. Boynton

Regarding **Agreement for Licensure, John S. Fargher, III**, the Board members reviewed the Agreement for Licensure presented to Mr. Fargher. Mr. Boynton moved to accept the Agreement for Licensure which states that Mr. Fargher's PE license will be issued with a probationary period of three (3) years from the date of issuance; during the probationary period Mr. Fargher may not be involved in the abuse of and alcohol or drugs; during the probationary period Mr. Fargher may not have any new criminal convictions. Failure to comply with the terms of the Agreement shall result in the suspension of Mr. Fargher's PE license, and may constitute grounds for revocation of the license by the Board pursuant to the Administrative Process Act §§ 202-4019 and 2.2-4021 of the 1950 *Code of Virginia*, as amended. The Agreement must be executed by Mr. Fargher and returned to the Board within fourteen (14) days of receipt. If Mr. Fargher does not respond within fourteen (14) days, he will receive a final order denying his application for a PE license via comity. Mr. Leary seconded the motion which was approved by members: Boynton, Crowther, Finn, Good, Holt, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson. As the presiding Board members, Mr. Combs and Mr. Johnson, were not present for the discussion or vote.

Agreement for Licensure, John S. Fargher III

Regarding **Agreement for Licensure, Christopher M. Staab**, the Board members reviewed the Agreement for Licensure presented to Mr. Staab. Ms. McIntyre moved to accept the Agreement for Licensure which states that Mr. Staab shall be approved to sit for the PE exam, a prerequisite for licensure, for a period of three (3) years from the effective date of the Agreement; upon passing the PE exam, Mr. Staab shall be issued a PE license only contingent upon his satisfactory completion of all terms of his sentencing order resultant from the 9/20/2011 misdemeanor conviction in Fairfax County, VA. Failure to comply with the terms of the Agreement shall preclude the issuance of his PE license even if he were to pass the PE exam. Mr. Staab further acknowledges that he may have the circumstances regarding his PE licensure

Agreement for Licensure, Christopher M. Staab

eligibility further considered pursuant to the Administrative Process Act §§ 202-4019 and 2.2-4021 of the 1950 *Code of Virginia*, as amended. The Agreement must be executed by Mr. Staab and returned to the Board within fourteen (14) days of receipt. If Mr. Staab does not respond within fourteen (14) days; he will receive a final order denying his application for a PE license. Mr. Holt seconded the motion which was approved by members: Boynton, Crowther, Finn, Good, Holt, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson. As the presiding Board members, Mr. Combs and Mr. Johnson, were not present for the discussion or vote.

Ms. McIntyre recused herself from the discussion.

Discussion was held on Arc Flash Analysis and whether it is the practice of engineering. Board members reviewed correspondence from the Virginia Society of Professional Engineers expressing concerns over RFPs not requiring “professional services” for the procurement of an arc flash analysis, and also reviewed the RFPs. Mr. Combs informed the Board that the PE Section reviewed the information at its meeting August 16, 2012, and agreed that a licensed professional would not be required to perform testing, but a licensed professional should be required to perform calculations, or to write reports and recommendations based on the data. That the analysis was indeed the practice of engineering and recommended a letter be sent to localities stating as such. The Board agreed by consensus that arc flash analysis is engineering, thus requiring a “professional services” RFP. The Board requested Mr. Johnson and Ms. Nosbisch draft a letter to send to localities stating the Board’s position.

Mr. Johnson informed the Board that Geo-Solutions provided a copy of the Joint Task Force report from the American Society of Civil Engineers, the American Institute of Professional Geologists and the Association of Engineering and Environmental Geologists. Discussion was held on the practice of engineering and geology practice guidelines being a similar scenario as the arc flash analysis. Mr. Johnson affirmed that a geologist may collect data and perform analysis, however a professional engineer would determine the equation side of the information, or what is done with the data. The Board agreed by consensus. Geo-Solutions will be notified by staff regarding the position of the Board. Ms. Nosbisch stated that, as she is also the Executive Director of the Board for Professional Soil Scientists, Wetland Professionals and Geologists, she will share the discussion at the next board meeting.

Ms. McIntyre provided background information for the VDOT clarification on signing and sealing requirements. Ms. McIntyre informed the Board that at their joint meeting August 16, the LS and PE Sections reviewed the changes made by VDOT to their “Documents Required to be Signed and Sealed,” with regards to the survey portion and VDOT’s implementation of the use of Right of Way plan sheets. The LS and PE Sections agreed to the changes, but suggested that #8 of the document regarding Right-of-Way plan

Discussion on Arc Flash Analysis

Discussion on Joint Task Force on Area of Practice – Engineering & Geology Practice Guidelines

VDOT Clarification on Signing & Sealing Requirements for Surveyors

sheets could be further clarified by adding “As shown on the right-of-way plan sheet...” Ms. McIntyre moved to approve the changes to the VDOT document. Mr. Leary seconded the motion which was approved by members: Boynton, Combs, Crowther, Finn, Good, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson. Mr. Holt was opposed.

Board members reviewed minutes from the previous Section meeting and APELSCIDLA Board meeting discussions on the subject of Value Engineering and use of another professional’s plans. At its March 20, 2012, meeting the full board agreed that plans may be reviewed without permission; however any changes would need permission from the ‘owner.’ The Board also discussed ‘ownership’ of plans and agreed that ownership must be established in a written form. At the July 24, 2012, Architect Section meeting, members agreed that the motion made at the March 20, 2012, APELSCIDLA Board meeting required clarification and moved to change the language of the motion to include the following underlined language: “...however any changes would need permission from the ‘owner’ and the changes must be completed under the direct control and supervision of an appropriately licensed professional.” Mr. LeMay moved to accept the language recommended by the Architect Section. Mr. Combs seconded the motion which was unanimously approved by members: Boynton, Combs, Crowther, Finn, Good, Holt, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Discussion on Value Engineering & Use of Another Professional’s Plans

Discussion was held on the VITA RFP for mapping services and surveyor photogrammetrist, or land surveyor, requirements. Mr. Palatiello provided a handout explaining the concerns that he, and other surveying professionals, has with the VITA RFP. He stated that the RFP does not specifically require a licensed professional, nor does it require the disclaimer pursuant to § 54.1-402.C of the *Code of Virginia* and 18VAC10-20-310 of the Board’s regulations. Nevertheless, the proposal requires photogrammetric services, as well as traditional surveying. Mr. Johnson recommended the Board request staff draft a letter stating that the RFP should be for professional services to be in compliance. Mr. Jack commented that the Board could not take any action on the issue, however, a private person could use the letter from the Board to pursue other action. Ms. McIntyre moved to have staff draft a letter to VITA affirming that the RFP should be for professional services. Mr. Holt seconded the motion which was unanimously approved by members: Boynton, Combs, Crowther, Finn, Good, Holt, Johnson, Langelotti, Leary, LeMay, McIntyre, Scherzer and Wilson.

Discussion of VITA RFP & Surveyor Photogrammetrist Requirements

Ms. Nosbisch informed the Board that the PE and Land Surveyor Sections met jointly August 16; the two sections will meet jointly periodically in 2013. Ms. Nosbisch also reminded the Board that the workshop, originally scheduled for September 14-15, 2012, has been rescheduled for January 4-5, 2013.

Other Business

Conflict of Interest forms were completed by all board members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 2:00 p.m.

Adjourn

Wiley V. Johnson III, Chair

Gordon N. Dixon, Secretary

DRAFT