

**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 June 17, 2010, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Architects

James R. Boyd
Michael F. LeMay

Professional Engineers

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

Land Surveyors

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

Interior Designers

Lorri B. Finn
Cameron C. Stiles

Landscape Architects

Andrew M. Scherzer

Board members Ebo Fauber and Vaughn Rinner were not present at the meeting.

Staff present for all or part of the meeting were:

Gordon N. Dixon, Director
Mark N. Courtney, Deputy Director for Licensing and Regulation Division
Kathleen (Kate) R. Nosbisch, Executive Director
Marian H. Brooks, Board Administrator
Amy Goobic, Administrative Assistant
Earlyne Perkins, Legal Analyst

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

Ms. McIntyre, Chair, called the meeting to order at 9:05 a.m.

Call to Order

Ms. McIntyre advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Ms. Stiles moved to approve the agenda. Mr. McAden seconded the motion which was unanimously approved by members: Boyd, De León, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Scherzer, Stephenson, and Stiles.

Approval of Agenda

Ms. Stiles moved to approve the minutes as amended for the following meetings:

Approval of Minutes

- March 23, 2010, APELSCIDLA Board Meeting;
- March 23, 2010, Regulatory Review Committee;
- March 29, 2010, Informal Fact-Finding Conference;
- April 6, 2010, Informal Fact-Finding Conference;
- April 12, 2010, Regulatory Review Committee;
- May 4, 2010, Landscape Architects Section Meeting;
- May 10, 2010, Certified Interior Designers Section Meeting;
- May 11, 2010, Professional Engineers Section Meeting;
- May 18, 2010, Architects Section Meeting;
- May 19, 2010, Land Surveyors Section Meeting;
- May 19, 2010, Informal Fact-Finding Conference; and
- June 10, 2010, Informal Fact-Finding Conference.

Mr. McAden seconded the motion which was unanimously approved by members: Boyd, De León, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Scherzer, Stephenson, and Stiles.

There were no comments made to the Board.

**Public Comment
Period**

Mr. Keith was present to address the Board and requested that the Board grant an additional 90 days to prepare a statement, due to an illness in the family. Mr. LeMay moved to deny the request for a continuance. Mr. Johnson seconded the motion which was approved by members: Boyd, Clark, De León, Finn, Johnson, McAden, McIntyre, Stephenson and Stiles. Mr. Scherzer was opposed. As the reviewing Board member, Mr. Harris was not present during the discussion or vote.

**File Number 2009-
04265, Francis J.
Keith**

Regarding **File Number 2009-04265, Francis J. Keith**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Section's recommendation. Mr. Johnson moved to accept the Summary of the Informal Fact-Finding Conference as to the facts, which cites the following violations of the Board's regulations: 18VAC10-20-740.A (Count 1); 18VAC10-20-790.A.6 (Count 2); 18VAC10-20-790.A.3 (Count 3); 18VAC10-20-790.A.3 (Count 4); 18VAC10-20-700.A (Count 5); and 18VAC10-20-740.C (Count 6). Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Finn, Johnson, McAden, McIntyre, Scherzer, Stephenson and Stiles. As the reviewing Board member, Mr. Harris was not present during the discussion or vote.

After Ms. Perkins indicated that there have been no prior disciplinary actions against Mr. Keith, Mr. Johnson moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$500.00 for the violation contained in Count 1; \$2,000.00 for the violation contained in Count 2; \$1,000.00 for the violation contained in Count 3;

\$1,000.00 for the violation contained in Count 4; \$1,500.00 for the violation contained in Count 5; and revocation of license for the violations contained in Count 5 and Count 6, for a total monetary penalty of \$6,000.00 and revocation of license. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Clark, De León, Finn, Johnson, McAden, McIntyre, Scherzer, Stephenson and Stiles.

Mr. Zoto was present to address the Board. Mr. Zoto thanked the Board for the opportunity to speak to them regarding his application to sit for the PE exam.

File Number 2010-03775, Arian Zoto

Regarding **File number 2010-03775, Arian Zoto**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Section's recommendation. Mr. Johnson moved to accept the recommendation of the presiding Board member and approve Mr. Zoto to sit for the PE examination. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, De León, Finn, Johnson, LeMay, McAden, McIntyre, Scherzer, Stephenson, and Stiles. As the presiding Board member, Mr. Harris, was not present for the discussion or vote.

Regarding **File Number 2010-01680, George Edwin Young III**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Young. Mr. Harris moved to accept the Consent Order which cites the following violation: 18VAC10-20-740.D (Count 1). For this violation, Mr. Young agrees to pay the following monetary penalties: \$350.00 for the violation contained in Count 1; and \$150.00 in board costs, for a total monetary penalty of \$500.00.

File Number 2010-01680, George Edwin Young III

Ms. Stiles seconded the motion which was unanimously approved by members: Boyd, De León, Finn, Harris, LeMay, McAden, McIntyre, Scherzer, Stephenson, and Stiles. As the reviewing Board member, Mr. Johnson was not present during the discussion or vote.

Regarding **File number 2010-03683, Mark S. Schall**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Section's recommendation. Mr. LeMay moved to accept the recommendation of the presiding Board member, and approve Mr. Schall's application for licensure as a Surveyor Photogrammetrist. Mr. McAden seconded the motion which was unanimously approved by members: Boyd, De León, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Scherzer and Stiles. As the presiding Board member, Mr. Stephenson, was not present during the discussion or vote.

File Number 2010-03683, Mark S. Schall

Ms. Nosbisch informed the Board that as Vice-Chair, Ebo Fauber was willing

Election of Officers

to assume the position of Chair, for the term beginning July 1, 2010, and ending June 30, 2011. Mr. LeMay moved to nominate Mr. Fauber as Chair. Mr. Harris seconded the motion which was unanimously approved by members: Boyd, De León, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Scherzer, Stephenson, and Stiles.

Mr. Scherzer moved to nominate Ms. Rinner as Vice-Chair. Ms. McIntyre seconded the motion which was unanimously approved by members: Boyd, De León, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Scherzer, Stephenson, and Stiles.

Ms. Stiles moved to approve the following meeting dates for 2011:

**Consideration of
2011 Meeting Dates**

APELSCIDLA Board

March 22
June 15
September 28
December 15

Architects Section

January 25
May 17
July 27
October 27

Professional Engineers Section

February 8
May 11
August 9
November 8

Land Surveyors Section

February 9
May 12
August 10
November 9

Interior Designers Section

February 23
May 5
August 3
November 16

Landscape Architects Section

February 22
May 4
August 4
October 26

Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, De León, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Scherzer, Stephenson, and Stiles.

Ms. Nosbisch informed the Board that postcards had been sent to all certified Landscape Architects reminding them of the upcoming effective date for Landscape Architect licensure, Continuing Education requirements and the need for a new seal. The Board members were given a copy of the postcard for review.

**Landscape Architect
Licensure Effective
July 1, 2010**

Ms. Nobsch informed the Board that the temporary licensure / certification bill passed by the General Assembly, was signed and in effect April 8, 2010. This bill grants the ability to issue a non-renewable 45-day temporary license provided a 'permanent' application is submitted simultaneously and the applicant must hold a comparable valid credential from another state. Ms. Nobsch stated that the bill was initiated by Governor McDonnell, in his effort to promote job creation. Each board will review the feasibility of incorporating the 45-day temporary license. This may be a non-issue for the APELSCIDLA Board, as there is already a provision for applicants under §54.1-401.3 of the *Code of Virginia*.

**Temporary
Licensure**

The board discussed the VDOT traffic engineering document that was presented at the March 23, 2010, board meeting and the recommended changes made by each Section at their respective meetings. Mr. Harris commented that the document was written to restrict unlicensed practice within VDOT and comply with the APELSCIDLA regulations. Discussion was held on whether certain documents could be signed by a 'licensed professional' and not solely a PE, and whether a 'non-licensed qualified' individual should be able to submit certain documents. The board agreed by consensus to not use the term 'non-licensed qualified.'

**VDOT Signing /
Sealing
Implementation**

The Board recessed from 10:20 a.m. until 10:39 a.m.

Recess

Discussion resumed on the VDOT traffic engineering document. The Board discussed forming a committee to include members from each affected section, as well as a representative of VDOT, to further discuss and clarify the document. Mr. Harris moved to form a committee. Mr. Stephenson seconded the motion which was unanimously approved by members: Boyd, De León, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Scherzer, Stephenson and Stiles. Mr. Johnson, Ms. McIntyre, and Mr. Scherzer volunteered to serve on the committee, Mr. Boyd nominated Mr. Fauber to represent the Architect Section and chair the committee. The committee will meet July 9, 2010, at 9:00 a.m. Ms. Nobsch will contact VDOT and request a representative to participate on the committee.

**VDOT Signing /
Sealing
Implementation**

Discussion was held on the acceptance of U.S. citizenship in lieu of the Test of English as a Foreign Language (TOEFL) for applicants with foreign degrees from non-English speaking countries, as the citizenship test has an English proficiency section. Ms. Nobsch informed the board that she polled other state boards as to whether they accepted citizenship in lieu of TOEFL, with many reporting that they did not require either. Ms. McIntyre stated that the board should require a TOEFL score and not accept citizenship. The board agreed by consensus to not accept U.S. citizenship in lieu of a TOEFL score. In addition, the Board agreed that applicants should have a minimum score of 20 in each category of the TOEFL and this should be reflected on the applications.

**Citizenship in Lieu of
TOEFL**

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 January 2010 for informational purposes. Mr. Scherzer inquired whether there would be any additional costs due to the implementation of Continuing Education. Ms. Nobsch answered that there may be after the audit process begins, however the board will not have sufficient data for reference until April 2011.

**Review of Board
Financial Statements**

Mr. Johnson, Committee Chair, gave a brief update on the review process.

**Regulatory Review
Update**

Discussion was held on licensees unable to obtain Continuing Education (CE) hours due to illness or undue hardship. The board decided at the March 23, 2010, meeting that CE would be waived for active military deployed overseas, but that illness or undue hardship cases would have to be determined on a case-by-case basis through Informal Fact-Finding conferences. Ms. Nobsch stated that there may be more requests than anticipated, and expressed her concern about the resulting time and expense. Mr. Johnson inquired about the possibility of using the Consent Order process for licensees unable to obtain CE hours. Mr. Jack stated that the board could propose a Consent Order to licensees, then the CO would have to come before the board for approval.

Other Business

Ms. Nobsch informed the board that NCEES is considering Virginia for the 2015 Annual Meeting. RFPs have been submitted by the cities of Norfolk, Williamsburg and Richmond. The location will be announced at the NCEES Annual Meeting in August. Ms. Nobsch reported that Virginia was the only state to submit RFPs.

Ms. Nobsch spoke to the board regarding the board policy on violations in other states as discussed at the March 23, 2010, board meeting. The board decided in 1999, that all correspondence from other states regarding violations would be sent to CID and a file opened to determine any violation of Virginia regulations. Ms. Nobsch stated that after discussion with the Director of Adjudication in CID, some letters may not require a disciplinary file to be opened and would like for the board staff to be able to make the determination if the documentation should be forwarded to CID.

Mr. Johnson moved to allow staff to determine if letter should be sent to CID, as long as the file could be flagged should there be a future occurrence. Mr. Harris seconded the motion, which was unanimously approved by members: Boyd, De León, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Scherzer,

Stephenson, and Stiles.

Mr. Boyd reported that he has learned of building officials giving erroneous information regarding stamping requirements. Mr. Courtney suggested writing a letter to Emory Rogers, Department of Housing and Community Development (DHCD) Deputy Director of Building & Fire Regulation, regarding the matter. Mr. Boyd also reported that the Architect Section will be inviting, Bert Jones, Department of General Services, Director, Division of Engineering and Buildings, to attend the July 27, 2010, Architect Section meeting to discuss professional requirements contained in their RFPs.

Ms. Nosbisch informed the members that when the board has an Agreement of Registration to consider, some businesses may already be registered and have applied solely to make a change in title, or responsible charge. The process is still referred to as an "Agreement for Registration."

Mr. Courtney reported that there have been changes to the procedures that Allen Knapp, Virginia Department of Health (VDH), Director of Onsite Sewage & Water Services, informed the Board about at its March 23, 2010, meeting in regards to the emergency regulations regarding onsite sewage evaluators (OSE).

Discussion was held on the 'emeritus status' for licensed professionals enacted by the General Assembly, that will go into effect July 1, 2010. Mr. Courtney reported that statute allows them to use the term if they meet the criteria. There will not be any changes to the regulations regarding the emeritus status.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 12:04 p.m.

Adjourn

Nancy E. McIntyre, Chair

Gordon N. Dixon, Secretary