

**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 15, 2010, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

**Architects**

James R. Boyd  
J. Everette Fauber III  
Michael F. LeMay (arrived at 9:20 a.m.)

**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**

Vaughn B. Rinner  
Andrew M. Scherzer

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  
Justin Garofalo, Board Administrator  
Amy Goobic, Administrative Assistant  
Earlyne Perkins, Legal Analyst

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

Mr. Fauber, Chair, called the meeting to order at 9:10 a.m.

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

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

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

**Call to Order**

**Emergency  
Evacuation  
Procedures**

**Approval of Agenda**

**Approval of Minutes**

- June 17, 2010, APELSCIDLA Board Meeting;
- June 17, 2010, Regulatory Review Committee;
- June 22, 2010, Informal Fact-Finding Conference;
- June 24, 2010, Informal Fact-Finding Conference;
- July 9, 2010, APELSCIDLA / VDOT Traffic Engineering Committee;
- July 27, 2010, Architects Section Meeting;
- August 4, 2010, Professional Engineers Section Meeting;
- August 11, 2010, Land Surveyors Section Meeting;
- August 11, 2010, LS / PE NCEES Review Meeting;
- August 11, 2010, Land Surveyors Section Exam Workshop;
- August 16, 2010, Regulatory Review Committee;
- August 23, 2010, APELSCIDLA / VDOT Traffic Engineering Committee;
- September 1, 2010, Informal Fact-Finding Conference; and
- September 10, 2010, Land Surveyors Section Meeting.

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

Mr. Rob McGinnis, of the Virginia chapter of the ASLA, was present to address the Board. Mr. McGinnis thanked the Board and the APELS/VDOT Committee for their efforts regarding VDOT's sealing requirements. He stressed the importance of communication between agencies on all levels, and indicated that ASLA would encourage the development of a guidance document to clarify the signing and sealing requirements by licensed professionals.

**Public Comment  
Period**

Mr. Duncan Abernathy, of the Virginia AIA, was present to address the Board. Mr. Abernathy spoke to the Board about a question that had been posed in a public meeting regarding the Virginia Good Samaritan Law and licensed professionals. The question was: Would a licensed architect from another state be able to provide professional services in Virginia in an emergency situation, under the 'Good Samaritan' law? Mr. Abernathy stated that the law would only cover Virginia licensed professionals, but that it may have to be on a case-by-case basis.

Mr. Lewis was present to address the Board. Mr. Lewis explained that he believes he has the experience and education necessary for licensure, but did not articulate this during the Informal Fact Finding Conference.

**File Number 2010-  
04984, Bruce Lewis**

Regarding **File Number 2010-04984, Bruce Lewis**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Section's recommendation.

Ms. Nosbisch informed the Board that the Section made a split decision when voting on the recommendation of the presiding board member. Mr. Stephenson stated that he thought Mr. Lewis had the education and work experience to qualify for a Surveyor Photogrammetrist license under the grandfather provision.

Mr. Stephenson moved that the Board approve Mr. Lewis' application for licensure as a Surveyor Photogrammetrist. Mr. De León seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McAden, Rinner, Scherzer, Stephenson and Stiles. As the reviewing Board member, Ms. McIntyre was not present during the discussion or vote.

Regarding **File Number 2010-00970, Michael Scott Estes**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Estes. Ms. McIntyre moved to accept the Consent Order which cites the following violations: 18VAC10-20-370.B (Count 1); 18VAC10-20-370.D.2.j (Count 2); and 18VAC10-20-760.B (Count 3). For these violations Mr. Estes agrees to pay the following monetary penalties: \$800.00 for the violation contained in Count 1; \$100.00 for the violation contained in Count 2; \$100.00 for the violation contained in Count 3; and \$500.00 in board costs, for a total monetary penalty of \$1,500.00. Mr. Harris seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer and Stiles. As the presiding Board member, Mr. Stephenson was not present for the discussion or vote.

**File Number 2010-00970, Michael Scott Estes**

Mr. Campero was present to address the Board. Mr. Campero thanked the Board and stated that he hoped they would approve his application so that he may continue his work as a Surveyor Photogrammetrist.

**File Number 2010-04847, Grek Campero**

Regarding **File Number 2010-04847, Grek Campero**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Section's recommendation. Ms. McIntyre moved to accept the recommendation of the presiding Board member, and approve Mr. Campero's application for licensure as a Surveyor Photogrammetrist. Mr. McAden seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer and Stiles. As the presiding Board member, Mr. Stephenson, was not present during the discussion or vote.

Regarding **File Number 2010-04848, Teofilo Campero**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Section's recommendation. Ms. McIntyre moved to accept the recommendation of the presiding Board member, and approve Mr. Campero's application for licensure as a Surveyor

**File Number 2010-04848, Teofilo Campero**

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

Regarding **File Number 2010-04986, Stephen Kopach**, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Section's recommendation. Mr. McAden moved to accept the recommendation of the presiding Board member, and approve Mr. Kopach's application for licensure as a Surveyor Photogrammetrist. Mr. Stephenson seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McAden, Rinner, Scherzer, Stephenson and Stiles. As the presiding Board member, Ms. McIntyre, was not present during the discussion or vote.

**File Number 2010-04986, Stephen Kopach**

Regarding **File Number 2010-01459, Robert William Nelson**, 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. Stephenson 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: 18VAC10-20-790.A.6 (Count 1); 18VAC10-20-370.C.4 (Count 2); 18VAC10-20-370.D.2 (Count 5); 18VAC10-20-370.D.3 (Count 6); and 18VAC10-20-700.A (Count 7). Counts 3 and 4 were closed with a finding of no violation. Mr. McAden seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, LeMay, McAden, Rinner, Scherzer, Stephenson and Stiles. As presiding Board members, Mr. Johnson and Ms. McIntyre, were not present during the discussion or vote.

**File Number 2010-01459, Robert William Nelson**

After Ms. Perkins indicated that there have been no prior disciplinary actions against Mr. Nelson, Mr. Stephenson moved to accept the Summary of the Informal Fact-Finding Conference as to the sanctions and impose the following: \$1,000.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; \$500.00 for the violation contained in Count 5; \$500.00 for the violation contained in Count 6; and \$100.00 for the violation contained in Count 7; for a total monetary penalty of \$2,600.00. Mr. Harris seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, LeMay, McAden, Rinner, Scherzer, Stephenson and Stiles.

Mr. Johnson recused himself from the meeting.

Regarding **File Number 2010-04033, J.W. Warwick**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Warwick. Mr. De

**File Number 2010-04033, J. W. Warwick**

León moved to accept the Consent Order which cites the following violation: 18VAC10-20-790.A2. For this violation Mr. Warwick agrees to revocation of his license and \$150.00 in board costs. Mr. Stephenson seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson and Stiles. As the presiding Board member, Mr. Harris was not present for the discussion or vote.

Regarding **File Number 2010-03739, Stephen Phillip Maslan**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Maslan. Mr. Johnson moved to accept the Consent Order which cites the following violations: 18VAC10-20-750.A (Count 1); and 18VAC10-20-750.C (Count 2). For these violations Mr. Maslan agrees to pay the following monetary penalties: \$200.00 for the violation contained in Count 2; and \$150.00 in board costs, for a total monetary penalty of \$350.00. In addition, for violation of Count 1, Mr. Maslan agrees to probation of his license. During this probation, Mr. Maslan agrees to:

- (1) Not be in violation of any rules and regulations of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers & Landscape Architects for transactions occurring after the effective date of this order; and
- (2) Comply with the terms of the probation assigned by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects outlined in Count 1 of the Report of Findings.

This probation shall run concurrently with the above-referenced probation period in Missouri.

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

After reviewing the application and Agreement for Registration, Mr. Harris moved to accept the Agreement for Registration as seen and agreed to by Alliance Wood Group Engineering, LP. Mr. Johnson seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles.

After reviewing the application and Agreement for Registration, Ms. Stiles moved to accept the Agreement for Registration as seen and agreed to by L.A. Fuess Partners, Inc.. Mr. Harris seconded the motion which was

**File Number 2010-03739, Stephen Phillip Maslan**

**Agreement for Registration, Alliance Wood Group Engineering, LP**

**Agreement for Registration, L.A. Fuess Partners, Inc.**

unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles.

Mr. Fauber read the following resolution from the APELSCIDLA Board to be presented to Jay DeBoer for his service as Director of DPOR.

**Resolution for Jay W. DeBoer**

RESOLUTION TO  
*Jay W. DeBoer*

WHEREAS, **Jay W. DeBoer** did faithfully and diligently serve the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects as the Director of the Department of Professional and Occupational Regulation from 2006 to 2010; and

WHEREAS, **Jay W. DeBoer** did devote generously of his time, talent and leadership to the Board; and

WHEREAS, **Jay W. DeBoer** did endeavor at all times to render assistance and advice to the Board 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 fifteenth day of September 2010, that **Jay W. DeBoer** 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.

The resolution was adopted by consensus.

Board members reviewed a draft letter to be sent to Mr. Emory Rodgers, of the Department of Housing and Community Development, regarding code officials that may not be following the Board's regulations. Mr. Boyd moved to accept the letter as amended. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and

**Correspondence to DHCD Regarding Code Officials**

Stiles.

Board members were given copies of the language prepared by VDOT, regarding their acceptance of land development plans for review from licensed professionals.

**VDOT Signing /  
Sealing  
Implementation**

The Board recessed from 9:55 a.m. until 10:05 a.m. to review the language presented by VDOT.

**Recess**

Discussion resumed on the VDOT traffic engineering document. Mr. Boyd, Chair of the APELSCIDLA/VDOT Committee, thanked the committee members for their work with VDOT. Board members agreed that the additional language provided by VDOT would help clarify the signing and sealing requirements by licensed professionals, and would like the information included in VDOT's published guidance document.

**VDOT Signing /  
Sealing  
Implementation**

The Board agreed by consensus to have Ms. Nobsch and Mr. Boyd prepare a response to VDOT.

Ms. Nobsch discussed the 45 day temporary licensure bill (SB 474) passed by the 2010 General Assembly. Mr. Johnson moved to adopt the emergency regulation not to issue the 45 day temporary license. Mr. Boyd seconded the motion which was unanimously approved by members: Boyd, De León, Fauber, Finn, Harris, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles.

**Regulatory Review  
Update**

Discussion was held on reciprocity agreements for Continuing Education with other states. Ms. Nobsch reported that professional organizations are encouraging acceptance of Continuing Education from the regulant's licensing state to meet the requirements. However, Continuing Education in Virginia is in statute and could only be changed by legislation. The Board took no action on the subject.

Mr. Johnson informed the Board that the Regulatory Review Committee would need to meet again to finalize the proposed regulations for vote by the full board. The Committee members agreed to meet October 27, following the Architect Section meeting.

The board members were provided a comprehensive report of enforcement activity since the last board meeting. Ms. Bonnie Rhea-Adams, Director of Complaint Analysis and Resolution, was present to answer questions regarding CID activity.

**Comprehensive  
Report of CID  
Activity**

The board members were provided with financial statements from June 2010 for informational purposes. Discussion was held on the various financial statements presented to the Board. Mr. Dixon suggested inviting Ms. Terri Wilkins, of the Budget and Analysis Department, to the December board

**Review of Board  
Financial Statements**

meeting to discuss budgets and answer questions. Ms. Nosbisch will invite Ms. Wilkins to the December meeting and requested the board members to submit specific questions in advance of the meeting.

Mr. Stephenson, Mr. Johnson and Ms. Nosbisch provided details on the NCEES Annual Meeting held in Denver, Colorado, August 18-21. Mr. Stephenson reported that NCEES voted to change the land surveyor professional title in their model law to, Professional Surveyor. Discussion was held on this change, and because the title is determined by statute, it would require a change by legislation. The Board can take no action on the matter at this time.

**NCEES 89<sup>th</sup> Annual  
Conference Update**

Mr. Johnson discussed NCEES's decision to move the FE and PE exams to computer based testing; industrial exemptions that need to be addressed; limiting the number of references allowed in the exams; and faculty licensure.

Ms. Nosbisch reported that NCEES had selected Williamsburg, VA, as the site of the 2015 NCEES Annual Meeting. Ms. Nosbisch also informed the Board that she has been in discussion with NCEES to move the Virginia APELSCIDLA Board from the NorthEast Zone to the Southern Zone. Discussion was held on the relocation, Mr. Johnson and Mr. Stephenson stated that they supported the change as Virginia has more in common with states in the Southern Zone. Mr. Harris stated that he felt the membership in the NorthEast Zone had been a good experience and that he was opposed to relocating Virginia to the Southern Zone. Ms. Nosbisch informed the Board that they would need to vote on the change and if passed, she would notify NCEES. The NCEES Board of Directors would then vote at their meeting in November.

Mr. Johnson moved to allow NCEES to relocate the Virginia APELSCIDLA Board from the NorthEast Zone to the Southern Zone. Mr. Stephenson seconded the motion which was approved by members: Boyd, De León, Fauber, Finn, Johnson, LeMay, McAden, McIntyre, Rinner, Scherzer, Stephenson, and Stiles. Mr. Harris voted against the motion.

Ms. Rinner gave a brief overview of the CLARB Annual meeting held in Baltimore, Maryland, August 26-27. Ms. Rinner reported that she, Ms. Nosbisch and Mr. McGinniss participated in a panel presentation on collaborative efforts between various professions on composite boards and collaborative relationships between boards and professional organizations. Ms. Rinner stressed the importance of a board member and the Executive Director attending the annual meetings to represent the Board.

**CLARB 40<sup>th</sup> Annual  
Conference Update**

Ms. Rinner informed the Board that topics of discussion at the meeting included: Continuing education, exam issues and defining "welfare." She reported that CLARB hired researchers who provided preliminary findings on the definition of "welfare." When the study is finalized, the report will be shared with other professions and organizations.

Ms. Nosbisch reported that she and Ms. Rinner attended a presentation “A Day In the Life of a Landscape Architect.” Ms. Rinner will be making the same type of presentation at the November meeting of the Board for Professional and Occupational Regulation, and also for the December APELSCIDLA Board meeting.

Board members reviewed a draft letter to Bert Jones, Department of General Services, regarding concerns that the Architect Section has with current Capital Outlay procedures. After discussion, the Board agreed by consensus to defer the letter back to the Architect Section for revision.

**Other Business**

Ms. Nosbisch thanked the Board members for their time on committees and cases, and reported that she has not yet learned of any board appointments.

Mr. De León stated that the DPOR website is not user friendly and inquired if any changes were possible. Ms. Nosbisch explained that the IS Department is devoting most of their time to the implementation of the new licensing system to all boards, however there have been some improvements made. Mr. Dixon informed the Board that the office of the Secretary of Commerce and Trade is reviewing all of the state websites to insure that there is a clear message; he also encouraged the board members to submit any suggested changes.

Mr. Harris stated that the Regulatory Review Committee should have more discussion on the TOEFLibt requirements. Mr. Stephenson reported that he had reviewed the TOEFLibt test and that it was much more intense than he had anticipated. The Regulatory Review Committee will discuss at their October 27 meeting.

The Board recessed from 12:04 p.m. until 12:34 p.m.

**Recess**

The Board viewed, “Henry’s Daughters,” a video on professional ethics from the National Institute for Engineering Ethics. Discussion was held on the accompanying study guide questions.

**Professional Ethics Video**

Conflict of Interest forms were completed by all members present.

**Conflict of Interest Forms**

There being no further business, the meeting was adjourned at 1:25 p.m.

**Adjourn**

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J. Everette Fauber III, Chair

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Gordon N. Dixon, Secretary