

ARCHITECTS SECTION MEETING

MINUTES

The Architects Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on October 27, 2011, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

James R. Boyd
Clint Good
Michael F. LeMay

Staff present for all or part of the meeting were:

Gordon N. Dixon, Director
Mark N. Courtney, Deputy Director of Licensing and Regulation Division
Kathleen R. Nosbisch, Executive Director
Marian Brooks, Board Administrator
Justin Garofalo, Board Administrator
Amy Goobic, Administrative Assistant
Earlyne Perkins, Legal Analyst

Mr. Boyd, Chair, called the meeting to order at 9:00 a.m.

Call to Order

Mr. Boyd advised the Section of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. LeMay moved to approve the agenda. Mr. Good seconded the motion which was unanimously approved by members: Boyd, Good and LeMay.

**Approval of
Agenda**

Mr. Duncan Abernathy, Virginia AIA, was present to address the Section. Mr. Abernathy discussed the use of protected professional titles in job classifications by other state agencies including the Department of Human Resource Management (DHRM). Mr. Abernathy also expressed concerns about inconsistencies in job descriptions for positions listed with DHRM, as several positions with the job classification "architect/engineer" state "may require a license." Mr. Boyd informed Mr. Abernathy that the Board is developing a guidance document to clarify these issues and would be discussed later during the meeting.

**Public Comment
Period**

Regarding **File Number 2011-03733 Robert Hollendonner**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Hollendonner. Mr. Good moved to recommend the Board accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-795 (Count 1). For this violation, Mr. Hollendonner agrees to the following monetary penalty: no monetary penalty for the violation contained in Count 1 and Board costs in the amount of \$150.00, for a total of \$150.00. Mr. LeMay seconded the motion which was approved by members: Good and LeMay. As the presiding board member, Mr. Boyd was not present for the discussion or vote.

**File Number 2011-
03733, Robert
Hollendonner**

Regarding **File Number 2011-00814, Anthony Vann Hunt** the section 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. Good recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violations of the Board's regulations: 18VAC10-20-750.B (Count 1); and 18VAC10-20-750.C (Count 2). Mr. LeMay seconded the motion which was unanimously approved by members: Good and LeMay.

File Number 2011-00814, Anthony Vann Hunt

Ms. Perkins informed the section that Mr. Vann Hunt had no prior violations. Mr. Good moved to recommend that the Board accept the recommended sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$500 for the violation contained in Count 1; and \$500.00 for the violation contained in Count 2; for a total monetary penalty of \$1000.00. Mr. LeMay seconded the motion which was unanimously approved by members: Good and LeMay. Mr. Good further moved to recommend that the Board accept the recommendation to have Mr. Hunt's license be placed on probation until he provides evidence acceptable to the Board that he has successfully passed the Virginia Board's Examination on Regulations. If such evidence is not submitted to the Board within six (6) months of the effective date of this order, Hunt's Virginia license shall be suspended until such evidence is received by the Board. Mr. LeMay seconded the motion which was unanimously approved by members: Good and LeMay. As the presiding board member, Mr. Boyd was not present for the discussion or vote.

Ms. Nobsch provided background on the need for a guidance document addressing comity licensure requirements. Ms. Nobsch explained that inconsistencies have occurred in the application review process and that all applications should be treated equally. Discussion was held on the current application review process for those applying via comity. Mr. LeMay moved to support the guidance document. Mr. Good stated that he has reservations, and could not second. Mr. Boyd seconded for the purpose of discussion. Mr. Courtney explained that the guidance document outlines the Board's original intent of the comity regulations. Mr. Courtney further stated that the document clarifies current practice; it does not create any new or modify and current requirements. Mr. Boyd withdrew his second to the motion, stating that the issue needs further consideration. The Section did not take any action on the document. Ms. Nobsch will share the Section's comments at the upcoming Land Surveyor and Professional Engineers section meetings and at the full board meeting December 15, 2011.

Discussion of Proposed Board Guidance Document for Comity Licensure

Mr. Boyd provided background information on the use of protected professional titles by other state agencies and the need for a guidance document to clarify how protected title should be used. Discussion was

Discussion of Proposed Board Guidance

held on the draft guidance document as presented.

Mr. Courtney informed the Section that Mr. Dixon is drafting a letter to address the issue. The letter will be sent to directors of other Virginia state agencies to clarify the board's regulations as they pertain to the use of professional titles. Mr. Dixon stated that there may not be enough open communication among state agencies, and hopes that a letter from one agency head to others will begin an open dialogue between various agencies and provide clarification.

Mr. Boyd commented that the guidance document should include language distinguishing the acceptable use of the term architect as an 'adjective' but not as a 'noun.' He provided the example of "architectural intern" as acceptable, but 'intern architect" would not be acceptable.

Ms. Nosbisch stated that the guidance document was drafted at the request of the Committee meeting September 1, 2011, and will be presented to the full board at its meeting December 15, 2011 along with a draft of the Director's letter. The Section agreed by consensus that the guidance document would be useful for clarification in addition to the letter from Mr. Dixon.

Ms. Nosbisch provided background on the need for a guidance document addressing applicant's ability to speak and write English to the satisfaction of the Board. The current regulations require a TOEFL score for any applicant whose primary language is not English or that did not graduate from a college or university where English is the language of instruction. The guidance document clarifies that the following individuals will be considered able to speak and write English to the satisfaction of the Board: applicants that have graduated from an English-speaking high school; are currently licensed in another jurisdiction who also possess a current NCEES, NCARB or CLARB record; and applicants that were previously approved by the Board, submitted a TOEFL for the approval, and are reapplying for exam approval. Any applicant meeting one of these three criteria, will not be required to submit a TOEFL score report. Mr. Boyd recommended adding the term "or foreign equivalent" after 'high school,' as other countries have different titles for that particular level of education.

Mr. Boyd moved to approve the guidance document. Mr. Good seconded the motion, which was unanimously approved by members: Boyd, Good and LeMay. Ms. Nosbisch stated that the document will be presented to the full board at its meeting December 15, 2011.

The Section recessed from 10:37 a.m. until 10:47 a.m.

Discussion was held on the definition of "consultation" as defined in the Code of Virginia. Ms. Nosbisch stated that feedback was needed from the

**Document on Use
of Protected
Professional Titles**

**Discussion of
Proposed Board
Guidance
Document for
Establishing
Applicants Ability
to Speak and
Write English to
the Satisfaction of
the Board**

Recess

**Discussion on
Definition of**

Sections for clarification and asked whether what constitutes 'consultation' should be addressed in the regulations. Mr. Courtney stated that the issue may need to be addressed on a case by case basis, and that the decision ultimately comes down to the judgment of the regulant. Mr. Garofalo suggested that defining "consultation" may be best considered in the same manner as determining "incidental work" - it would depend on the extent of the 'consultation.' Ms. Nosbisch stated that the issue will be addressed at the upcoming Land Surveyor and Professional Engineer Section meetings, and then at the full board meeting December 15, 2011.

"Consultation" as it Relates to the Practice of Landscape Architecture, Architecture and Engineering

Mr. Boyd informed the Section that there will be a NCARB Region 2 conference call, November 9, to discuss the region's bylaws. Mr. Boyd stated that he would not be able to join the call as he would be in attending an NCARB committee meeting in California, but encouraged the other Section members to participate. Mr. Boyd further informed the Section that the NCARB Spring meeting will be in Nashville and the Annual meeting will be in Minneapolis.

NCARB Update

Ms. Nosbisch informed the Section that the IDP 2.0 will be rolled out between April 3 and 5, 2012; she will be attending the NCARB MBE Forum, November 4-5, in Arlington, VA; Mike Armstrong, new NCARB CEO, has begun an outreach program to state boards and is available to attend a future section meeting. The Section expressed interest in inviting Mr. Armstrong to the January 25, 2012 section meeting. Mr. Garofalo, Board Administrator, will be presenting with NCARB at the University of Virginia, November 2.

Mr. Boyd provided background information on NCARB's efforts to streamline Continuing Education in all jurisdictions.

Discussion was held on changing the start time of the Architect Section meetings. Mr. Good moved to change the start time from 9:00 a.m. to 10:00 a.m. Mr. Boyd seconded the motion which was approved by members: Boyd and Good. Mr. LeMay opposed the motion.

Other Business

Conflict of Interest forms were completed by all members present.

Conflict of Interest Forms

There being no further business, the meeting was adjourned at 11:48 a.m.

Adjourn

James R. Boyd, Chair

Gordon N. Dixon, Secretary

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