

**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 10, 2002, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

**Architects**

Robert A. Boynton  
John S. Clark, Jr.  
David L. May, Jr. (arrived at 9:29 a.m.)

**Landscape Architects**

William M. Davenport  
Ralph B. Higgins

**Professional Engineers**

Richard N. Davenport (arrived at 10:45 a.m.)  
Stanley C. Harris (departed at 12:15 p.m.)  
Ronald G. Helton

**Interior Designers**

M. Lou Barnett  
Susan S. Orange

**Land Surveyors**

Doyle B. Allen  
John M. Elkin, Jr.  
John R. McAden

Staff present for all or part of the meeting were:

Louise Fontaine Ware, Director  
Sandra Whitley Ryals, Chief Deputy Director  
Karen W. O'Neal, Deputy Director of Regulatory Programs  
Mark N. Courtney, Assistant Director  
Marian H. Brooks, Regulatory Board Administrator  
Trisha L. Henshaw, Administrative Assistant  
Susan Garbini, Legal Assistant

Prior to the start of the meeting, Bernard Henderson, Deputy Secretary of the Commonwealth, swore in newly appointed members Stanley C. Harris and John R. McAden.

**Swearing in of  
New Members**

Finding a quorum of the Board present, Mr. Higgins, Chair, called the meeting to order at 9:16 a.m.

**Call to Order**

Mr. Helton moved to approve the agenda as written. Mr. W. Davenport seconded the motion which was unanimously approved by members:

**Approval of  
Agenda**

Allen, Barnett, Boynton, Clark, W. Davenport, Elkin, Harris, Helton, Higgins, McAden, and Orange.

Mr. Helton moved to approve the minutes of the June 6, 2002, Board meeting as written. Mr. Allen seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, W. Davenport, Elkin, Harris, Helton, Higgins, McAden, and Orange.

**Approval of Minutes**

Mr. Helton moved to approve the minutes of the July 16, 2002, Regulatory Review Committee meeting as written. Mr. Allen seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, W. Davenport, Elkin, Harris, Helton, Higgins, McAden, and Orange.

Mr. Helton moved to approve the minutes of the August 29, 2002, Regulatory Review Committee meeting as written. Mr. Boynton seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, W. Davenport, Elkin, Harris, Helton, Higgins, McAden, and Orange.

Mr. Higgins introduced the newest members of the Board, Stanley Harris of the Professional Engineers Section and John McAden of the Land Surveyors Section. Additionally, Karen O'Neal, Deputy Director of Regulatory Programs Division, and E. Montgomery Tucker of the Office of the Attorney General were introduced to the Board.

**Introduction of New Members and Staff**

Mr. Higgins gave the following rules for the public hearing:

**Public Hearing on Proposed Public Participation Guidelines**

"This is a public hearing held at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, 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 published in the Virginia Register on Monday, August 12, 2002.

"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: William Davenport, Ronald Helton, Stanley Harris, Robert Boynton, Jack Clark, Doyle Allen, John McAden, John Elkin, Susan Orange, and Lou Barnett.

“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.

“Anyone may speak in rebuttal to the comments of another speaker and those comments will also be limited in the amount of time they may speak. I will call for rebuttal comments when all speakers on the list have finished.

“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 Friday, October 11, 2002.”

After seeing that no one was present to offer any comment on the proposed regulations, Mr. Higgins closed the public hearing.

Patricia Stockdon, representative of the Virginia Chapter of the American Society of Interior Designers (ASID), spoke to the Board regarding a proposal being considered by the Regulatory Review Committee. The Committee is considering whether or not to include a requirement in the draft regulations wherein documents with the seal of a certified interior designer must be accompanied by a disclaimer. Ms. Stockdon stated that interior designers must meet strict requirements to become certified. As to the concern that building officials may not recognize that a set of documents are being submitted by a certified interior designer, Ms. Stockdon stated that anyone is authorized to submit plans for a building permit. Additionally, Ms. Stockdon asserted that certified interior designers are prohibited from practicing outside of their area of expertise, just like all other professions regulated by the Board. Ms. Stockdon

Public Comment  
Period

indicated that placing a seal on documents does not prevent mistakes on the documents. Finally, Ms. Stockdon asked why a disclaimer statement is not included on drawings for engineers, land surveyors, landscape architects, or architects, that states they are not practicing outside of their profession(s).

Barbara Goodwin, representative of the Council of Certified Virginia Interior Designers (CCVID) spoke to the Board regarding the proposed disclaimer statement for certified interior designer drawings. Ms. Goodwin indicated that the disclaimer statement is insulting, redundant, and more restrictive than the statute and is not supported by CCVID. Ms. Goodwin stated that certified interior designers know their limits just like any other profession and should not be treated differently.

Diane Gordy, representative of the Washington Metro Chapter of ASID, spoke to the Board regarding the proposed disclaimer for certified interior designer documents. Ms. Gordy stated that certified interior designers are permitted to have a seal; therefore, they should be allowed to use it. Ms. Gordy indicated that certified interior designers do not need a disclaimer and that they know how to operate professionally.

Mr. May arrived at 9:29 a.m.

**Mr. May's  
Arrival**

At the request of the Council of Landscape Architectural Registration Boards (CLARB), Mr. Higgins presented a Certificate of Appreciation from CLARB to Mr. Robert M. McGinnis for his significant contributions to the profession of landscape architecture.

**Presentation of  
CLARB  
Resolution**

**Sajjad Lodhi, File Number 2002-03640**, spoke to the Board regarding his application for the Fundamentals of Engineering examination. Mr. Lodhi stated that he graduated from a university in Pakistan and has been working in the United States for the last three years. Mr. Lodhi outlined his duties as an engineer and indicated that he has worked with government agencies in the District of Columbia, including the Pentagon. Mr. Lodhi indicated that he previously applied for the Fundamentals of Engineering examination; however, after the Informal Fact-Finding Conference, the presiding Board member asked him to send in information for the Principles and Practice of Engineering examination because he may qualify for PE licensure due to having 20 years of qualifying experience. Mr. Lodhi further stated that he applied for an exemption from the Test of Spoken English and Test of English as a Foreign Language (TSE/TOEFL) and that his record should include all of his information in support of his request.

**Sajjad A. Lodhi,  
File Number  
2002-03640**

**Bartow Bridges, File Number 2002-03640**, spoke to the Board regarding his attempt to become certified as a landscape architect through the grandfather provision. Mr. Bridges indicated that he has been self employed and practicing as a landscape architect since 1975. Mr. Bridges discussed his experience and knowledge gained through teaching, practicing, and serving on a study group for the City of Virginia Beach. Mr. Bridges concluded by asking the Board to accept the summary and recommendation of the presiding Board member and approve his application for certification by the grandfather provision. As the presiding Board member at the Informal Fact-Finding Conference, Mr. W. Davenport was not present during the presentation. Additionally, Mr. Courtney was not present as he was a participant in the Informal Fact-Finding Conference.

**Bartow H. Bridges, File Number 2002-03640**

No other respondent, counsel for respondent or other representative, or participant without an appointment was present to speak before the Board.

**Call for Respondent**

Regarding **File Number 2002-02770, Nosrat P. Yaghmaee**, the Board reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and summary and recommendation of the presiding Board member. Mr. Helton moved to accept the summary and recommendation of the presiding Board member and deny Mr. Yaghmaee's application for a professional engineer license until such time as Mr. Yaghmaee perfects his application by successfully completing the requirements of the Board's 1999 regulation 18 VAC 10-20-250, which are restated in the Board's 2002 regulation 18 VAC 10-20-55. Mr. Yaghmaee's application is incomplete due to the fact that he has not submitted proof of taking, or achieving an acceptable score for, the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE). Mr. Boynton seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, W. Davenport, Elkin, Harris, Helton, Higgins, May, McAden, and Orange.

**File Number 2002-02770, Nosrat P. Yaghmaee**

Regarding **File Number 2002-02772, Ayad O. Bazlamit**, the Board reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and summary and recommendation of the presiding Board member. Mr. Boynton moved to accept the summary and recommendation of the presiding Board member and deny Mr. Bazlamit's application for a professional engineer license until such time as Mr. Bazlamit perfects his application under the requirements of 18 VAC 10-20-210.5 of the Board's 2002 regulations by providing documented qualifying engineering experience totaling 20 years. As an alternative, Mr. Bazlamit can perfect his application by taking and

**File Number 2002-02772, Ayad O. Bazlamit**

passing the Fundamentals of Engineering examination, allowing him to be considered under 18 VAC 10-20-210.1 of the Board's 2002 regulations. Mr. Bazlamit provided 15 years and 6 months of qualifying engineering experience; however, he lacks 4 years and 6 months of the required 20 years of qualifying engineering experience. Mr. Helton seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, W. Davenport, Elkin, Harris, Helton, Higgins, May, McAden, and Orange.

Regarding File Number 2002-03249, Shannon W. Holland, the Board reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and summary and recommendation of the presiding Board member. Mr. Boynton moved to accept the summary and recommendation of the presiding Board member and deny Mr. Holland's application for a professional engineer license until such time as Mr. Holland can perfect his application under the requirements of 18 VAC 10-20-210.4 of the Board's 2002 regulations by providing documented qualifying engineering experience totaling 10 years. Mr. Holland lacks graduation from an engineering or related science curriculum of four years or more; therefore, he would need to qualify under 18 VAC 10-20-210.4 of the Board's regulations, which requires 10 years of qualifying experience. Mr. Holland provided documentation of 5 years and 2 months of qualifying engineering experience, and is eligible to receive one additional year of experience credit for his Masters of Engineering degree in Civil Engineering from Old Dominion University; therefore, he must provide documentation of a minimum of 3 years and 10 months of additional qualifying experience. Mr. May seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, W. Davenport, Elkin, Harris, Helton, Higgins, May, McAden, and Orange.

File Number  
2002-03249,  
Shannon W.  
Holland

Regarding File Number 2002-03640, Sajjad A. Lodhi, the Board reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and summary and recommendation of the presiding Board member, as well as the presentation by Mr. Lodhi. Mr. Elkin moved to accept the summary and recommendation of the presiding Board member and approve Mr. Lodhi's application for the Fundamentals of Engineering examination. An Informal Fact-Finding Conference was held to determine whether Mr. Lodhi needed to submit proof of the TSE and TOEFL examinations, as he was a native of Pakistan. Mr. Lodhi testified that English is the language of the government and the professional classes in Pakistan, and he submitted several examples that demonstrated the use of English in education, government, and business in Pakistan. Subsequent to the Informal Fact-

File Number  
2002-03640,  
Sajjad A. Lodhi

Finding Conference, the First Secretary of the Pakistan Embassy to the United States submitted a notarized letter that stated that English is the official language of Pakistan and is the medium of instruction in all colleges and universities of Pakistan. The letter further stated that English is also the primary language for all technical and professional work. As Mr. Lodhi is an applicant from an English speaking country, it is not necessary for him to take the TSE and TOEFL examinations. Mr. W. Davenport seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, W. Davenport, Elkin, Harris, Helton, Higgins, May, McAden, and Orange.

Regarding File Number 2002-03735, Muhammad Sharif Tarar, the Board reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and summary and recommendation of the presiding Board member. Mr. Boynton moved to accept the summary and recommendation of the presiding Board member and approve Mr. Tarar's application for the Principles and Practice of Engineering examination. An Informal Fact-Finding Conference was held to determine whether Mr. Tarar needed to submit proof of the TSE and TOEFL examinations, as he was a native of Pakistan. Mr. Tarar testified that English is the language of the government and the professional classes in Pakistan, and he submitted several examples that demonstrated the use of English in education, government, and business in Pakistan. Subsequent to the Informal Fact-Finding Conference, the First Secretary of the Pakistan Embassy to the United States submitted a notarized letter that stated that English is the official language of Pakistan and is the medium of instruction in all colleges and universities of Pakistan. The letter further stated that English is also the primary language for all technical and professional work. As Mr. Tarar is an applicant from an English speaking country, it is not necessary for him to take the TSE and TOEFL examinations. Ms. Orange seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, W. Davenport, Elkin, Harris, Helton, Higgins, May, McAden, and Orange.

File Number  
2002-03735,  
Muhammad  
Sharif Tarar

Regarding File Number 2002-02276, Judy A. Failor, the Board reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, summary and recommendation of the presiding Board member, and additional information submitted by Ms. Failor at the request of the Board at its meeting on June 6, 2002. Mr. May moved to reject the recommendation of the Interior Designers Section meeting and approve Ms. Failor's application for certification as an interior designer. Mr. Elkin seconded the motion which was approved by members: Clark, Elkin, and May. The following members voted in opposition to the motion: Allen, Boynton, W. Davenport, Harris, Helton,

File Number  
2002-02276,  
Judy A. Failor

Higgins, McAden, and Orange. The motion failed due to a lack of a majority vote.

After discussion, Mr. Boynton moved to accept the summary and recommendation of the presiding Board member and deny Ms. Failor's application for certification as an interior designer. After thorough review by the Interior Designers Section of the information submitted by Ms. Failor regarding the Bachelor of Science in Interior Design degree program at Indiana University of Pennsylvania, the program was found to not be substantially equivalent to a Foundation of Interior Design Education Research (FIDER)-accredited program. Mr. W. Davenport seconded the motion which was approved by members: Allen, Boynton, W. Davenport, Harris, Helton, Higgins, McAden, and Orange. The following members voted in opposition to the motion: Clark, Elkin, and May. The motion passed with a majority vote. As the presiding Board member at the Informal Fact-Finding Conference, Ms. Barnett was not present during the discussion or vote.

In reference to **File Number 2002-03701, Susan M. Jamieson**, the Board reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and summary and recommendation of the presiding Board member. Mr. W. Davenport moved to accept the summary and recommendation of the presiding Board member and deny Ms. Jamieson's application for certification as an interior designer. Ms. Jamieson does not meet the requirements of 18 VAC 10-20-490.1 of the Board's 1999 regulations, which require, in part, two years of monitored experience. The experience verification forms submitted by Ms. Jamieson do not document acceptable monitored experience as she never practiced under the direct supervision of a licensed or certified professional. Mr. Boynton seconded the motion which was unanimously approved by members: Allen, Boynton, Clark, W. Davenport, Elkin, Harris, Helton, Higgins, May, McAden, and Orange. As the presiding Board member at the Informal Fact-Finding Conference, Ms. Barnett was not present during the discussion or vote.

**File Number**  
**2002-03701,**  
**Susan M.**  
**Jamieson**

Regarding **File Number 2002-02278, Valerie K. Schmidt**, the Board reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, summary and recommendation of the presiding Board member, and additional information submitted by Ms. Schmidt at the request of the Board at its meeting on June 6, 2002. Mr. W. Davenport moved to accept the summary and reject the recommendation of the presiding Board member and approve Ms. Schmidt's application for certification as an interior designer. After thorough review by the Interior Designers Section of the

**File Number**  
**2002-02278,**  
**Valerie K.**  
**Schmidt**



information submitted by Ms. Schmidt regarding her degree program, the Bachelor of Science in Interior Design degree program completed by Ms. Schmidt at Radford University is substantially equivalent to a FIDER-accredited degree program. Mr. Boynton seconded the motion which was unanimously approved by members: Allen, Boynton, Clark, W. Davenport, Elkin, Harris, Helton, Higgins, McAden, and Orange. As the presiding Board member at the Informal Fact-Finding Conference, Ms. Barnett was not present during the discussion or vote. Additionally, Mr. May recused himself from the discussion and vote as he works for the same firm as Ms. Schmidt.

Regarding File Number 2002-02686, Bartow H. Bridges, the Board reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and summary and recommendation of the presiding Board member, and the presentation by Mr. Bridges. Mr. May stated that he worked with Mr. Bridges several years ago but believed that he could be fair and impartial in this matter. Mr. Elkin moved to accept the summary and recommendation of the presiding Board member and approve Mr. Bridges' application for certification by grandfather provision. Mr. Clark seconded the motion which was approved by members: Allen, Barnett, Clark, Elkin, Harris, McAden, and Orange. The following members voted in opposition to the motion: Boynton, Helton, and Higgins. Mr. May abstained from the vote. As a majority vote of the members of the profession involved is required pursuant to 18 VAC 10-20-30 of the Board's 2002 regulations, the motion failed. As the presiding Board member at the Informal Fact-Finding Conference, Mr. W. Davenport was not present during the discussion or vote. Additionally, Mr. Courtney was not present during the discussion as he was a participant in the Informal Fact-Finding Conference.

File Number  
2002-02686,  
Bartow H.  
Bridges

After discussion, Mr. Boynton moved to accept the summary as to the facts and reject the recommendation of the presiding Board member and deny Mr. Bridges' application for certification as a landscape architect through the grandfather provision. Mr. Bridges does not appear to hold a degree in landscape architecture, did not provide proof of his education, and his experience was not independently verified. Additionally, his completed application was not received by the deadline of July 1, 2002. Mr. Helton seconded the motion which was approved by the following members: Allen, Boynton, Helton, and Higgins. The following members voted in opposition to the motion: Barnett, Clark, Elkin, Harris, McAden, and Orange. Mr. May abstained from the motion. The motion failed due to a lack of a majority vote. As the presiding Board member at the Informal Fact-Finding Conference, Mr. W. Davenport was not present during the discussion or vote. Additionally, Mr. Courtney was not present during the

discussion or vote as he was a participant in the Informal Fact-Finding Conference.

After further discussion, Mr. Elkin moved to refer the matter to an Informal Fact-Finding Conference so that additional information may be obtained regarding his education (such as independent verification of his degree from the university, how it compares to the Landscape Architecture Accreditation Board accreditation standards), his experience (such as independent verification of the experience and proof of experience in all areas covered on the examination), as well as any information regarding the receipt of his complete application by July 1, 2002. Mr. Allen seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, Elkin, Harris, Helton, Higgins, McAden, and Orange. Mr. May voted in opposition to the motion. The motion passed with a majority vote. As the presiding Board member at the Informal Fact-Finding Conference, Mr. W. Davenport was not present during the discussion or vote.

In reference to File Number 2002-02660, George M. Aylor, Jr., the Board reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and summary and recommendation of the presiding Board member. Mr. Allen moved to accept the summary and recommendation of the presiding Board member and deny Mr. Aylor's application for a land surveyor license by comity. The verification of licensure form from the Florida Board indicates that Mr. Aylor passed the Florida state examination but not the Principles and Practice of Land Surveying examination. In addition, it appeared that Mr. Aylor did not provide sufficient documentation regarding high school and college. Further, Mr. Aylor answered "no" to the question on the application referring to past disciplinary actions. The verification of licensure from the Florida Board indicates that disciplinary action was taken against Mr. Aylor. Mr. Helton seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, W. Davenport, Elkin, Harris, Helton, Higgins, May, McAden, and Orange.

File Number  
2002-02660,  
George M.  
Aylor, Jr.

Regarding File Number 2000-03421, Brian Throssell, the Board reviewed the Consent Order as seen and agreed to by Mr. Throssell. Pursuant to the terms of the Consent Order, Mr. Throssell submitted an amended plat that conformed with the minimum standards of the Board's regulation 18 VAC 10-20-370. The amended plat was recorded with the locality. Mr. Throssell further agreed to adhere, at all times henceforth, to the minimum standards of the Board's regulations and agreed to pay Board costs in the amount of \$500.00. Mr. W. Davenport moved to accept the Consent Order as seen and agreed to by Mr. Throssell. Mr. W. Davenport further

File Number  
2000-03421,  
Brian Throssell

moved that failure to pay the penalty, costs, or to comply with all terms of the Consent Order within the specified time period shall result in the automatic suspension of Mr. Throssell's license until such time as there is compliance with all terms of the Consent Order. Mr. Boynton seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, W. Davenport, Elkin, Harris, Helton, Higgins, May, McAden, and Orange.

The Board recessed for a break from 10:36 a.m. to 10:55 a.m. Mr. R. Davenport arrived at 10:45 a.m.

After discussion, Mr. Boynton moved to have a hearing officer preside over the Informal Fact Finding Conference for File Number 2002-02686, Bartow H. Bridges. Mr. R. Davenport seconded the motion which was approved by members: Allen, Barnett, Boynton, Clark, R. Davenport, Harris, Helton, Higgins, McAden, and Orange. The following members voted in opposition to the motion: Elkin and May. The motion passed with a majority vote. As the presiding Board member at the Informal Fact-Finding Conference, Mr. W. Davenport did not participate in the discussion or vote.

Richard A. Ruckman spoke to the Board regarding File Number 2000-03094. Mr. Ruckman asked the Board to accept the summary and recommendation of the presiding Board member and close the file with a finding of no violation. Mr. Ruckman stated that in order to disclose a conflict of interest, one must be aware that a conflict exists. Mr. Ruckman asked how there could be a conflict of interest if he has no knowledge of the situation creating the conflict. Mr. Ruckman stated that he does many inspections where he never meets the homeowner, he only works with the contractor. Mr. Ruckman indicated that when he made the inspection on the property in question, he was working for a contractor and did a footing inspection; there was no house built yet. Later, he was called by the homeowner to inspect the floor, porch, and gaps in the drywall. Mr. Ruckman asserted that he did not realize that this was the same house for which he did a footing inspection. Mr. Ruckman further stated that he had done work previously for the homeowners and that is why they called him again to inspect their home. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Helton was not present during the presentation.

Break and  
Arrival of Mr.  
R. Davenport

File Number  
2002-02686,  
Bartow H.  
Bridges -  
Consideration of  
Hearing Officer

Richard A.  
Ruckman, File  
Number 2000-  
03094

In reference to **File Number 2000-03094, Richard A. Ruckman**, the Board reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and summary and recommendation of the presiding Board member, as well as the presentation by Mr. Ruckman. Mr. R. Davenport moved to accept the summary and recommendation of the presiding Board member and close the file with a finding of no violation. Mr. Boynton seconded the motion. Ms. Barnett stated that she previously worked with Dove & Associates, Inc., but stated that she could be fair and impartial in this matter. After discussion, Mr. May made a substitute motion to accept the facts of the summary and reject the recommendation in part, as to the finding of no violation, and add the following to the recommendation:

File Number  
2000-03094,  
Richard A.  
Ruckman

Mr. Ruckman's actions in this matter are a violation of 18 VAC 10-20-710(B) of the 1997 Regulations. Mr. Ruckman did not disclose in writing to the homeowner the potential conflict of interest created by his working relationship with the contractor. For this violation, there will be no monetary penalty.

Mr. Allen seconded the substitute motion. Mr. R. Davenport, who made the original motion, accepted the substitute motion. The following members voted in support of the motion: Allen, Barnett, Boynton, Clark, R. Davenport, W. Davenport, Harris, Higgins, May, McAden, and Orange. Mr. Elkin voted in opposition to the motion. The motion passed with a majority vote. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Helton was not present during the discussion or vote.

The Board members discussed a request by Mr. R. Davenport regarding applicants for certification as an engineer-in-training or licensure as a professional engineer that were citizens of, and received all of their secondary education and an engineering degree from a college/university in Pakistan and/or India shall be treated as having come from an English speaking country. Mr. R. Davenport moved that these applicants be exempt from the requirements of taking the TSE and TOEFL in 18 VAC 10-20-55 of the Board's regulations. Mr. Harris seconded the motion which was approved by members: Allen, Barnett, R. Davenport, Elkin, Harris, Helton, Higgins, McAden, and Orange. The following members voted in opposition to the motion: Boynton, W. Davenport, and May. Mr. Clark abstained from the vote. The motion passed with a majority vote.

Discussion of  
TSE and  
TOEFL  
Candidates

The Board members discussed correspondence from Mr. Allen regarding electronic seals and signatures. Mr. Allen stated that his firm's dilemma arises when clients, professionals, or contractors require CAD files that allow them access to the data and is therefore not in a "read-only" format. Mr. Allen asked that the Board consider amending the regulations to allow the use of electronic drawings in some format other than read-only. After discussion, Mr. Allen agreed to draft language regarding this issue to be considered by the Regulatory Review Committee.

Discussion of  
Electronic Seals  
and Signatures

Mr. R. Davenport moved to adopt the following resolution for service for Wilmer "Bill" F. Sirine, II:

Adoption of  
Resolutions

**Wilmer F. Sirine, II**

WHEREAS, **Wilmer F. Sirine, II**, 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 1992 to 2002;

WHEREAS, **Wilmer F. Sirine, II**, did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Wilmer F. Sirine, II**, 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 tenth day of September 2002, that **Wilmer F. Sirine, II**, 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. Boynton seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, R. Davenport, W. Davenport,

Elkin, Harris, Helton, Higgins, May, McAden, and Orange.

Mr. R. Davenport moved to adopt the following resolution for service for James K. Lowe, Jr., which was read and presented to Mr. Lowe by Mr. Higgins:

**James K. Lowe, Jr.**

WHEREAS, James K. Lowe, Jr., 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 2001 to 2002;

WHEREAS, James K. Lowe, Jr., did devote generously of his time, talent and leadership to the Board;

WHEREAS, James K. Lowe, Jr., 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 tenth day of September 2002, that James K. Lowe, Jr., 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. Helton seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, R. Davenport, W. Davenport, Elkin, Harris, Helton, Higgins, May, McAden, and Orange.

Mr. R. Davenport moved to adopt the following resolution for service for Brian M. McCormick which was read and presented to Mr. McCormick by Mr. Higgins:

**Brian M. McCormick**

WHEREAS, **Brian M. McCormick** did faithfully and diligently serve as counsel to the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects from 2001 to 2002;

WHEREAS, **Brian M. McCormick** did devote generously of his time, talent and leadership to the Board;

WHEREAS, **Brian M. McCormick** did endeavor at all times to render assistance and advice to the Board 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 tenth day of September 2002, that **Brian M. McCormick** 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. Boynton seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, R. Davenport, W. Davenport, Elkin, Harris, Helton, Higgins, May, McAden, and Orange.

The Board recessed for lunch from 12:05 p.m. to 12:44 p.m. Mr. Harris departed the meeting at 12:15 p.m.

**Lunch and  
Departure of  
Mr. Harris**

Ms. Ryals provided an update of the Department's legislative activities. Ms. Ryals stated that the Department has received letters of assurance on 17 legislative proposals and 4 other "housekeeping" issues have been sent to the Code Commission for review and are being considered by the Secretary's Office. After Ms. Ryals discussed the various legislative

**Legislative  
Update**

proposals, Mr. R. Davenport moved that the Board endorses the concept of expanded disciplinary powers for the Board. Mr. Boynton seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, R. Davenport, W. Davenport, Elkin, Helton, Higgins, May, McAden, and Orange.

The Board members reviewed the Board financial statements from June 2002 for informational purposes. Ms. Ware provided the Board with information regarding recent budget cuts. Ms. Ware stated that the Department has prepared budget plans that would allow 7%, 11%, and 15% cuts without laying off any employees. Ms. Ware also stated that effective immediately any non-essential travel is cut. This would include Board member attendance at annual and regional meetings for the various national organizations. Ms. Ware indicated that the 7% cuts can be made primarily by instituting a direct-billing process for examination costs. Additionally, Ms. Ware stated that if the agency has to implement the 11% and/or 15% cuts, then more travel will be cut, as well as education, tuition reimbursement, publication costs, and part-time help.

Mr. Courtney also asked the Board members if they wished to continue receiving the financial statements with their agenda packages as the information is now available on the Board member secure site on the Department's webpage. The Board agreed by consensus to continue receiving the financial statements with their agenda packages.

Mr. Courtney provided a report from the Regulatory Review Committee. The Committee plans to have one more meeting and then the Board will be provided with the draft regulations for review at the December 11, 2002, Board meeting. Further, Mr. R. Davenport moved to direct staff to request legal advice on the following issues:

How does the proposed wording being considered by the Regulatory Review Committee for 18 VAC 10-20-710 relate to the Conflict of Interest Act?

Does the Board have statutory authority to require that 2/3 of the board of directors for domestic professional corporations and professional limited liability companies be licensed/certified?

Does the Board have statutory authority to require that 2/3 of the board of directors for foreign professional corporations and professional limited liability companies be licensed/certified?

Are professional corporation and/or professional limited liability

**Review of Board  
Financial  
Statements and  
Update on  
Budget Cuts**

**Report from  
Regulatory  
Review  
Committee**



corporations that are registered with the Board permitted to offer non-certified landscape architectural and/or interior design services if a certified professional is not in the office, or is not on the board of directors, or part of the membership, of the firm?

Mr. Boynton seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, R. Davenport, W. Davenport, Elkin, Helton, Higgins, May, McAden, and Orange.

The Board members agreed by consensus to have Mr. Lowe continue to serve the Regulatory Review Committee in an advisory capacity. Additionally, the Board members agreed by consensus to have Mr. Harris serve on the Committee as representative of the Professional Engineers Section.

The Board members reviewed proposed Board and Section meeting dates for 2003. Mr. R. Davenport moved to approve the following meeting dates for 2003:

**Set 2003  
Meeting Dates**

**Architects**

January 29  
April 30  
July 30  
October 30

**Landscape Architects**

February 6  
May 1  
August 7  
November 6

**Professional Engineers**

February 4  
April 29  
August 5  
November 4

**Interior Designers**

February 13  
May 8  
August 14  
November 13

**Land Surveyors**

February 11  
May 6  
August 12  
November 12

**APELSCIDLA Board**

March 12  
June 5  
September 10  
December 11

Mr. May seconded the motion which was unanimously approved by members: Allen, Barnett, Boynton, Clark, R. Davenport, W. Davenport, Elkin, Helton, Higgins, May, McAden, and Orange.

Mr. Courtney indicated that the Board has been asked to serve as a host state at a joint meeting of the National Council of Engineering and Surveying Examiners (NCEES) Northeast and Southern Zones scheduled

**Other Business**

for 2006. After discussion, the Board agreed by consensus to politely decline due to budgetary constraints.

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

  
Ralph B. Higgins, Chair

  
Louise Fontaine Ware, Secretary

COPY TESTE:

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Custodian of Records