

APELSCIDLA Board Agenda

May 8, 2024, 10:00 a.m.

Board Room 2

Department of Professional & Occupational Regulation

9960 Mayland Drive

Richmond, Virginia 23233

804-367-8506

1. Call to Order
2. Emergency Evacuation
3. Approval of Agenda
4. Approval of Minutes
 - APELSCIDLA Board Meeting, February 13, 2024
5. Public Comment Period*
6. File Review
 - File Number 2024-00355 Craig Black
IFF (Zmuda) – Licensing
 - File Number 2024-00509 Carl E. Duncan
CO (Townsend) – Disciplinary
 - File Number 2024-00081 Blew & Associates PA
IFF (Kelly) – Disciplinary
 - File Number 2024-01167 David James
IFF (Kelly) – Licensing
 - File Number 2024-01650 Nathaniel Oliver Rodriguez-Fuller
IFF (Kelly) – Licensing
 - File Number 2024-01651 Michael Robert Lipps
IFF (Kelly) – Licensing
7. Examination Director Report
8. Executive Director Report
9. Regulatory Update

- Guidance Documents
 - i. Requirements for the Use of Topographic Surveys, Orthographic Maps or other Geospatial Data in Virginia
 - ii. Onsite Sewage Systems Designed by PE's and Onsite Soil Evaluators
 - iii. Comity Applicant Criteria of the Board's Current Regulations
 - iv. Land Surveyor Scope of Practice
 - v. Property lines along public roads without recorded fee simple right of way
- Public Comment for 18 VAC 10-20

10. General Assembly Update

- House Bill 350

11. Entrusted Engineer in Charge with VDOT Update

12. A Day in the Life of a Certified Interior Designer

13. Landscape Architects

- Virtual Information Sessions Available for Upcoming Proposed Chesapeake Bay Preservation Ordinance (CBPO) and Public Facilities Manual (PFM)- Emailed on February 14, 2024
- Safe Travels! Briefing Pack & Trip Info- Emailed on February 20, 2024
- FW: Surveyors Week Proclamation- Emailed on February 26, 2024
- CLARB Correspondence
 - i. New Board Executives, Members and Staff encouraged to attend ICOR Orientation – Emailed February 16, 2024
 - ii. Tomorrow! Orientation for new Board Executives, Members and Staff- Emailed on February 20, 2024
 - iii. Join us tomorrow for Part 3 of Design Meets Dialogue – Emailed February 20, 2024
 - iv. Leading with Foresight: recording, slides & survey – Emailed on February 24, 2024
 - v. Recording now available: Spring Licensure Summit with ASLA + CLARB – Emailed on March 17, 2024
 - vi. Public Speaking Tips and Tricks: recording, slides & survey – Emailed on March 17, 2024
 - vii. Design Meets Dialogue: Communication resources, call for submissions – Emailed on March 17, 2024
 - viii. Tomorrow: In the Know with ARPL – Emailed on March 18, 2024
 - ix. Register now for the CLARB Membership Mid-year Update - Emailed on March 20, 2024

14. Professional Engineers

- Virtual Information Sessions Available for Upcoming Proposed Chesapeake Bay Preservation Ordinance (CBPO) and Public Facilities Manual (PFM)- Emailed on February 14, 2024
- Safe Travels! Briefing Pack & Trip Info- Emailed on February 20, 2024

- FW: Surveyors Week Proclamation- Emailed on February 26, 2024
- NCEES Correspondence
 - i. ALEC Labor Reform Policy- Emailed on February 15, 2024
 - ii. Nomination of Linda H. Bergeron for Southern Zone Secretary- Emailed on February 16, 2024
 - iii. Candidate for Southern Zone Secretary- Emailed on February 23, 2024
 - iv. (MBA Link) To Southern Zone MBA's – Emailed on February 24, 2024
 - v. NCEES seeks licensed engineers' professional expertise and advice – Emailed on February 26, 2024
 - vi. (MBA Link) Proposed Bylaws Revisions – Emailed on February 26, 2024
 - vii. Fw: NCEES Southern Zone interim meeting—candidates for zone office – Emailed on February 29, 2024
 - viii. Universal Licensing Effects Research – Emailed on March 4, 2024
 - ix. EXT:NCEES Southern Zone Secretary Election - Linda Bergeron – Emailed on March 13, 2024
 - x. Reminder: ARPL 2024 Legislative and Activities Update starts in 1 day – Emailed on March 18, 2024
 - xi. 2024 Southern Zone Interim Meeting materials – Emailed on April 2, 2024
 - xii. (MBA Link) Understanding the Mutual Recognition =0AAgreement Between NCEES and the U.K. Engineering Council – Emailed on April 2, 2024
 - xiii. NCEES seeks licensed engineers' professional expertise and advice – Emailed on April - Emailed on April 22, 2024
- UK/NCEES Mutual Recognition Agreement Update

15. Land Surveyors

- Virtual Information Sessions Available for Upcoming Proposed Chesapeake Bay Preservation Ordinance (CBPO) and Public Facilities Manual (PFM)- Emailed on February 14, 2024
- Safe Travels! Briefing Pack & Trip Info- Emailed on February 20, 2024
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 - xii. (MBA Link) Understanding the Mutual Recognition =0AAgreement Between NCEES and the U.K. Engineering Council – Emailed on April 2, 2024
 - xiii. NCEES seeks licensed engineers’ professional expertise and advice – Emailed on April - Emailed on April 22, 2024
- VAS Correspondence/Update
 - i. Submit Your Plat Today- Emailed on February 15, 2024
 - ii. Register Today for the VAS Annual Convention- Emailed on February 21, 2024
 - iii. VAS Important Hotel Information- Emailed on February 22, 2024
 - iv. Plat Deadline Only Week Away – Emailed on March 1, 2024
 - v. NCEES interactive annual report and Squared – Emailed on March 7, 2024
 - vi. Why You Should Attend the VAS Convention – Emailed on March 11, 2024
 - vii. VAS Election Results – Emailed on March 13, 2024
 - viii. Surveyors Week Activities – Emailed on March 17, 2024
 - ix. VAS 76th Annual Convention April 3-6, 2024
 - DCALS Correspondence
 - i. DCALS Spring Banquet Dinner- Emailed on February 14, 2024
 - ii. DCALS Spring Event 1 - Spring Banquet - 3/13/24- Emailed on February 27, 2024
 - iii. DCALS Spring Event 2 - Spring Seminar - 3/22/24- Emailed on February 27, 2024

16. Architects

- Virtual Information Sessions Available for Upcoming Proposed Chesapeake Bay Preservation Ordinance (CBPO) and Public Facilities Manual (PFM)- Emailed on February 14, 2024
- Safe Travels! Briefing Pack & Trip Info- Emailed on February 20, 2024
- FW: Surveyors Week Proclamation- Emailed on February 26, 2024
- NCARB Correspondence
 - i. January NCARB Update- Emailed on February 14, 2024
 - ii. The Volunteer Quarterly: President Bake Shares a Mid-Year Update- Emailed on February 15, 2024
 - iii. Deveron Q. Sanders- FY23 At-large Director Candidacy- Emailed on February 15, 2024
 - iv. Candidate for FY25 At-Large Director- Emailed on February 15, 2024
 - v. NCARB January Fast Facts- Emailed on February 15, 2024

- vi. Candidacy for Public Director- Emailed on February 20, 2024
 - vii. John Patrick Redemacher- Candidacy for Second Vice President on the FY 2025 NCARB Board of Directors- Emailed on February 20, 2024
 - viii. Ed Marley Candidacy for Vice President/President Elect NCARB Board of Directors – Emailed on February 20, 2024
 - ix. Improving the Path for Future Architects- Emailed on February 22, 2024
 - x. Kevin J. Singh- Candidate for FY25 At-Large Director- Emailed on February 22, 2024
 - xi. ARE Update- ARE 5.0 New Guidelines – Emailed on February 24, 2024
 - xii. ARE Update: NCARB Issues Sanctions for Exam Candidate Misconduct – Emailed on February 27, 2024
 - xiii. VA February Data Report- Emailed on February 5, 2024
 - xiv. February NCARB Update- Emailed on February 14, 2024
 - xv. Score Report Release Timing Update Reminder – Emailed on March 14, 2024
 - xvi. VA March Data Report – Emailed on April 2, 2024
 - xvii. NCARB March Fast Facts – Emailed on April 3, 2024
 - xviii. ARE Update: New PSI Security Measure- Emailed on April 19, 2024
 - xix. Re: Reminder: Letter of Credentials for NCARB Voting Delegate – Emailed April 21, 2024
 - xx. ARE Update - PSI Security Update- Emailed April 23, 2024
 - xxi. Congratulations to Tim Colley who won a contested election for Secretary Region 2
- AIA Correspondence
 - i. AIA Virginia March Member Newsletter – Emailed on March 14, 2024
 - ii. AIA Virginia April Member Newsletter – Emailed on April 17, 2024

17. Certified Interior Designers

- Virtual Information Sessions Available for Upcoming Proposed Chesapeake Bay Preservation Ordinance (CBPO) and Public Facilities Manual (PFM)- Emailed on February 14, 2024
- Safe Travels! Briefing Pack & Trip Info- Emailed on February 20, 2024
- FW: Surveyors Week Proclamation- Emailed on February 26, 2024
- CIDQ Correspondence
 - i. New & Shiny Things! - Emailed on February 16, 2024
 - ii. New Board Executives, Members and Staff encouraged to attend ICOR Orientation – Emailed on February 16, 2024
 - iii. It Feels Like Just Yesterday- Emailed on February 20, 2024
 - iv. Call for Nominations is Open! – Emailed on March 11, 2024
 - v. CIDQ Q2 News – Emailed on April 2, 2024

18. Licensed and Certified Population

19. Financial Statements

20. Other Business

21. Conflict of Interest and Travel Vouchers

22. Adjourn

NEXT MEETING SCHEDULED FOR *August 21st, 2024 at 10:00 AM*

Agenda materials available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.

**Five minute public comment, per person, with the exception of any open disciplinary or application files.*

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8514 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

DRAFT AGENDA
Materials contained in this agenda are proposed topics for discussion
And are not to be construed as regulation or official board position
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➤ **Call to Order**

➤ **Emergency Evacuation**

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BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND
SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE
ARCHITECTS MEETING MINUTES

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on February 13, 2024, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia.

Members present for all or part of the meeting:

Architects

Erik Bootsma
Tim Colley
Helene Dreiling

Professional Engineers

James Kelly
Vinay Nair
Rick Townsend

Land Surveyors

Vickie Anglin
John Claytor
Kevin Shreiner

Interior Designers

Caroline Alexander
Catherine Christian Stanley

Landscape Architects

Susan Dibble
Ann Stokes

Citizens

Troy Arnold III

Members absent from the meeting with regrets:

Citizen

Justina Vasquez

Staff present for all or part of the meeting were:

Kishore S. Thota, Director
Brian Wolford, Deputy Director
Steve Kirschner, LRPD Deputy Director
Kate Nosbisch, Executive Director
Bonnie Davis, Regulatory Operations Administrator
Ecila Williams, Administrative Coordinator
Bonnie Adams, Director- Complaint Analysis & Resolution
Adam Cocker, Legal Analyst, Complaint Analysis & Resolution
Free Williams, Director- Adjudication
Elizabeth Frye, Adjudication Specialist
Skylar Edwards, Post Adjudication and Licensing Specialist
Greg Emerson, Executive Director- Examinations

Nil Eguz, BPOR Liaison, was not present at the meeting with regrets.

Elizabeth Peay, Assistant Attorney General with the Office of the Attorney General, was present.

Members of the audience:

Georg Dahl, Virginia Society of Professional Engineers (VSPE) STEM and Educational Outreach Lead for Tidewater/Hampton Roads Chapter

Chris Newton, Tyler Technologies

Paul Battaglia, AIA Virginia

Tom Witt, Virginia Transit Construction Alliance

Gordon Dixon, Virginia Transit Construction Alliance

Kevin Adams, Professional Engineer, Adams & Associates

Mr. Kelly, Chair, finding a quorum present, called the meeting to order at 10:06 a.m.

Call to Order

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

Emergency Evacuation

Ms. Stokes moved to approve the agenda. Ms. Anglin seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Bootsma, Claytor, Colley, Dreiling, Dibble, Kelly, Nair, Shreiner, Stanley, Stokes, and Townsend.

Approval of Agenda

Ms. Anglin moved to approve all the minutes in block for the following dates:

Approval of Minutes

- i. APELSCIDLA Statutory/Regulatory Review Committee, August 4, 2023
- ii. APELSCIDLA Certified Interior Designer Section Statutory/Regulatory Review Committee, August 4, 2023
- iii. APELSCIDLA Board Meeting, November 1, 2023
- iv. APELSCIDLA Statutory/Regulatory Review Committee, January 9, 2024

Ms. Alexander seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Bootsma, Claytor, Colley, Dreiling, Dibble, Kelly, Nair, Shreiner, Stanley, Stokes, and Townsend.

Mr. Battaglia, Executive Vice President of AIA Virginia, introduced himself to the Board.

Public Comment Period

Mr. Dixon addressed the board regarding an issue with the Virginia Department of Transportation (VDOT) and an Entrusted Engineer in Charge (EIC) interpretation.

Mr. Colley recused himself from the meeting for discussion and deliberation of the file.

Recusal of Board Member

Regarding **File Number 2023-01602, Raymond Lee Craighead**, the Board members reviewed the Consent Order as seen and agreed by Mr. Craighead

File Number 2023-01602 Raymond Lee Craighead

Ms. Anglin moved to accept the consent order which cites the following violation of the Board's Regulations: 18 VAC 10-20-760.D (Count 1). For this violation, it was recommended that Mr. Craighead pay the following monetary penalties: \$250.00 for the violation contained in Count 1 and \$150.00 in Board costs, for a total monetary penalty of \$400.00. Ms. Stokes seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Bootsma, Claytor, Dreiling, Dibble, Kelly, Nair, Shreiner, Stanley, Stokes, and Townsend.

Mr. Colley returned to the meeting.

Return of Board Member

Mr. Kelly recused himself from the meeting for discussion and deliberation of the files.

Recusal of Board Member

Regarding **File Number 2024-00263, Reyad Babikir Elnafe**, 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.

File Number 2024-00263 Reyad Babikir Elnafe

Mr. Nair moved to accept the recommendation of the presiding officer and deny Mr. Elnafe's application for a professional engineer license by examination. Mr. Shreiner seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Bootsma, Claytor, Colley, Dreiling, Dibble, Nair, Shreiner, Stanley, Stokes, and Townsend.

Regarding **File Number 2023-02729, Kevin Adams**, 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.

File Number 2023-02729 Kevin Adams

Mr. Adams was present at the meeting to address the Board and asked to take into consideration the reinstatement of his professional engineer license.

After a long discussion, Mr. Nair moved to accept the presiding officer's recommendation for no monetary penalty and for Mr. Adams to be placed on probation upon any reinstatement of his license until he provides proof satisfactory to the Board that his North Carolina professional engineer license

has been reinstated. Mr. Colley seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Bootsma, Claytor, Colley, Dreiling, Dibble, Nair, Shreiner, Stanley, Stokes, and Townsend.

Regarding **File Number 2023-02696, Francesco Lauret**

File Number 2023-02696 Francesco Lauret

ti, 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.

Ms. Nosbisch read a statement that was emailed to the Board from Mr. Lauret

ti supporting the presiding officer's recommendation and apologizing for not being able to be present at the meeting.

Ms. Anglin, Vice-Chair, disclosed to the Board and that she is an employee of Fairfax County, as is Mr. Lauret

Closed Meeting

ti, however she declared that she can be fair and impartial of the deliberation of the file.

At 10:50 a.m., Mr. Shreiner moved that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of deliberation on disciplinary cases resulting from an Informal or Formal Hearings in order to reach a decision, as permitted by § 2.2-3711.A.27 of the Code of Virginia. Ms. Stokes seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Bootsma, Claytor, Colley, Dreiling, Dibble, Nair, Shreiner, Stanley, Stokes, and Townsend.

Open Meeting

At 11:23 a.m., Mr. Shreiner moved to adjourn the closed meeting and to immediately reconvene in open meeting. Ms. Stokes seconded the motion which was unanimously approved by role call vote: Alexander, Anglin, Arnold, Bootsma, Claytor, Colley, Dreiling, Dibble, Nair, Shreiner, Stanley, Stokes, and Townsend.

After a brief discussion, Ms. Stokes moved to accept the violation in the Informal Fact-Finding Conference. Mr. Nair seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Bootsma, Claytor, Colley, Dreiling, Dibble, Nair, Shreiner, Stanley, Stokes, and Townsend.

File Number 2023-02696 Francesco Lauret
ti continued

After a brief discussion, Mr. Bootsma moved to amend the sanction for Count 1: 18 VAC 10-20-790.9 to suspend Lauret

The Board took a recess from 11:30 a.m. to 11:54 a.m.

Recess

It was noted that the violations for this case were not voted on initially and so the case was called back before the Board to discuss the violations.

File Number 2023-02729 Kevin Adams continued

Mr. Nair moved to accept the violation in the Informal Fact-Finding Conference. Mr. Colley seconded the motion which was unanimously approved by: Alexander, Anglin, Arnold, Bootsma, Claytor, Colley, Dreiling, Dibble, Nair, Shreiner, Stanley, Stokes, and Townsend.

Mr. Kelly returned to the meeting.

Return of Board Member

Ms. Peay informed the Board that the appeal for Mr. Tehrani's case was dismissed, and the decision of the Board was upheld.

File Number 2022-01137 Hamid Moghavemi Tehrani Update

Mr. Emerson presented to the APELS Exam Statistics from January 2024 for informational purposes. Mr. Emerson stated that Tom Banks, Chief Executive Officer of CIDQ is working on hiring a systems analyst to get additional testing demographics for CIDQ.

Examination Director Report

Ms. Nosbisch stated the Executive Director Report was provided for informational purposes only.

Executive Director Report

Ms. Davis reviewed the Stages in the Standard Process handout for informational purposes.

Regulatory Update

Ms. Davis informed the Board that there has been no movement at this time regarding fee adjustments.

Ms. Davis informed the Board for general regulatory review, the NOIRA is in preparation to be file as well as the fast-track items.

Ms. Nosbisch informed the Board that HB 350 has been introduced to the General Assembly, which will lower the quorum requirements for the Board.

General Assembly Update

Ms. Nosbisch will update the Board of the outcome once the General Assembly session is complete.

Mr. Dixon shared with the Board HB661 was stricken from the docket, however the patrons of the bill would like to see contractors not be required to employ the Entrusted Engineer in Charge as a full-time employee. VDOT, working under a policy position from the 2018 APELSCIDLA board meeting, is still requiring

Entrusted Engineer in Charge with VDOT

the Entrusted Engineer in Charge to be a full-time employee of the contractor. Ms. Nosbisch stated that she will reach out to VODT for further clarification and to request proposed language which will be presented to the Board at the May 8, 2024 meeting.

Director Thota and Chief Deputy Director Wolford exited the meeting at 12:26 p.m.

Departure of DPOR Staff

The Board was presented with information from an anonymous licensed professional engineer expressing concerns regarding offshore engineering and Computer Aided Drafting (CAD) and how it is now a trend in the industry and would like the Board to address this concern. The Board took no action.

Correspondence from Public Works Engineer

Ms. Nosbisch stated the CLARB update items was provided for informational purposes.

Landscape Architect Update

Ms. Nosbisch stated the NCEES update items were provided for informational purposes.

Professional Engineer Update

Mr. Kelly and Ms. Nosbisch informed the Board about the UK/NCEES Mutual Recognition Agreement meeting in London, UK. NCEES is in agreeance with the agreement and will be presented at the Annual Meeting.

Ms. Nosbisch indicated that in addition to the NCEES update, the Virginia Association of Surveyors items were provided for informational purposes.

Land Surveyor Section Update

Ms. Nosbisch stated the NCARB and AIA information was provided for informational purposes.

Architect Section Update

Ms. Dibble exited the meeting at 1:19 p.m.

Departure of Board Member

Ms. Nosbisch stated the certified interior designer update items were provided for informational purposes.

Certified Interior Designer Section Update

The licensee counts as of January 1, 2024:

APELSCIDLA Businesses	5,331
Architects	7,695
Professional Engineers	30,938
Land Surveyors	1,230
Land Surveyors B	56
Land Surveyor Photogrammetrists	98

Licensed and Certified Population

Certified Interior Designers	464
Landscape Architects	974

Ms. Nosbisch stated the financial statements were provided for informational purposes only.

Financial Statements

Ms. Nosbisch informed the Board that the New Board Member Training Conference will be scheduled for October 10-11, 2024. More information will be provided in the future.

Other Business

Conflict of Interest forms and Travel Vouchers were completed by all Board members present.

Conflict of Interest Forms / Travel Vouchers

There being no further business, the meeting was adjourned at 1:27 p.m.

Adjourn

James Kelly, Chair

Kishore S. Thota, Secretary

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➤ **Public Comment Period**

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- **Examination Director Update**
- **Regulatory Update**
- **General Assembly Update**
- **Entrusted Engineer in Charge
with VDOT Update**
- **A Day in the Life of a
Certified Interior Designer**

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To: APELSCIDLA Board
From: Kate Nosbisch, Executive Director
Subject: Executive Director Update
Date: May 8, 2024

For this initial update, data for the last five years of the Board’s activities has been provided.

Application Statistics

The table below provides the number of applications approved for the APELSCIDLA Board per calendar year (January 1 – December 31) since 2019.

Applications Approved						
Year	2024*	2023	2022	2021	2020	2019
App Numbers	1,220	3,631	3,353	3,540	2,735	3,628

*As of 04/24/2024

Applications Approved by Profession 2024*						
Profession	Arch	PE	LS	CID	LA	Businesses
App Numbers	173	653	29	16	16	150

*As of 04/24/2024

Call Center Statistics

The APELSCIDLA Board’s call center has received a total of 7,584 phone calls between January 1, 2023 to December 31, 2023. The chart below illustrates the calls received in more detail:



The APELSCIDLA Board’s call center has received a total of 928 phone calls between January 1, 2024, to March 31, 2024. The chart below illustrates the calls received in more detail:



Email Statistics

The table below outlines the number of emails received through the Board’s email address per calendar year (Jan 1-Dec 31)

	Email Count					
Year	2024*	2023	2022	2021	2020	2019
# of Emails	7,441	24,429	16,318	15,317	13,528	9,339

*As of 04/01/2024

Board Case Statistics

Since 2018, The Board has adjudicated 103 cases: 39 Disciplinary and 64 Licensing.

Disciplinary

Cases – 39; Final Orders – 13; Consent Orders – 26
 Revocations – 9
 Suspensions – 1

Stakeholder Engagement & Outreach

02/05/24-02/08/24 Part of NCEES US Delegation to London along with Jim Kelly, Chair, to discuss Mutual Recognition Agreement for Professional Engineers between the US and UK

02/09/24- NCARB Realignment Committee Virtual Meeting

02/04/24- CLARB Webinar Leading with Foresight

02/16/24- NCEES Call

02/20/24- NCARB MBE Committee Virtual Meeting

02/21/24- NCARB Region 2 Virtual Meeting

02/23/24- NCARB Realignment Workgroup Virtual Meeting

02/23/24- NCARB MBE Virtual Meeting

02/29/24-03/02/24- NCARB Regional Summit along with Tim Colley, Architect and Erik Bootsma, Architect

04/02/24- Meeting with Paul Battaglia, AIA, Executive Vice President, Virginia

04/04/24-04/06/24- NCEES Southern Zone Meeting in Asheville, NC along with Jim Kelly, PE, Vickie Anglin, LS, John Claytor, LS, and Rick Townsend, PE

04/10/24- NCARB MBE Virtual Meeting

04/11/24- NCARB Professional Conduct Webinar

04/18/24- NCARB National Leadership Institute Committee

04/19/24- NCARB Region 2 Pre-board Call

04/23/24- Lunch with British Trade Envoy, which included Sir Conor Burns: UK Prime Minister's Trade Envoy, Glyn Rice-Mundy: North America Bilateral Trade Relations, Gregor Catto: Senior Trade Policy Advisor, British Embassy Washington, Grace Lowden: Programme Manager, Department of Business and Trade, Lizbeth Casco White: Deputy Secretary of Labor, Kishore Thota: Director, Brian Wolford:

Chief Deputy Director, Steve Kirschner, LRPD Deputy Director, Jim Kelly, Chair, Kate Nosbisch, Executive Director

04/26/24- NCEES Southern Zone Virtual Meeting

05/02/24- NCARB Director At Large Q & A

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1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 54.1-403 and 54.1-405 of the Code of Virginia, relating to Department*
 3 *of Professional and Occupational Regulation; Board for Architects, Professional Engineers, Land*
 4 *Surveyors, Certified Interior Designers and Landscape Architects; quorum and signature*
 5 *requirements.*

6 [H 350]
 7 Approved

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That § 54.1-403 and 54.1-405 of the Code of Virginia are amended and reenacted as follows:**

10 **§ 54.1-403. Board members and officers; quorum.**

11 The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and
 12 Landscape Architects shall be composed of 15 members as follows: three architects, three professional
 13 engineers, three land surveyors, two landscape architects, two certified interior designers, and two
 14 nonlegislative citizen members.

15 Except for the nonlegislative citizen members appointed in accordance with § 54.1-107, Board
 16 members shall have actively practiced or taught their professions for at least 10 years prior to their
 17 appointments. The terms of Board members shall be four years.

18 The Board shall elect a president and vice-president from its membership.

19 **Nine Board members, consisting of two engineers at least one engineer, two architects one architect,**
 20 **two one land surveyors surveyor, one landscape architect, one interior designer, and one nonlegislative**
 21 **citizen member, shall constitute a quorum.**

22 **§ 54.1-405. Examinations and issuance of licenses and certificates.**

23 A. The Board shall hold at least one examination each year at times and locations designated by the
 24 Board. A license to practice as a professional engineer, an architect, a land surveyor, or a landscape
 25 architect shall be issued to every applicant who complies with the requirements of this chapter and the
 26 regulations of the Board. A license shall be valid during the life of the holder unless revoked or
 27 suspended by the Board. A license holder must register with the Board to practice in the
 28 Commonwealth. **The licenses shall be signed by at least four members of the Board.**

29 B. Notwithstanding the provisions of § 54.1-111, a license holder who has retired from practice may
 30 use the designation granted by such license, followed by the word "emeritus," without possessing a
 31 current registration from the Board provided (i) the license has not been revoked or suspended by the
 32 Board and (ii) the license holder does not practice or offer to practice architecture, engineering, land
 33 surveying, or landscape architecture.

34 **2. That the provisions of this act shall expire on July 1, 2026.**

Guidance Document

To: Regulants & Other Members of the Public
From: Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA Board)
Date: June 30, 2011 (*Revised September 15, 2015*)
Re: *Requirements for the Use of Topographic Surveys, Orthographic Maps or other Geospatial Data in Virginia*

Purpose

The purpose of this document is to clarify 18VAC10-20-382.B.11 of the Board's regulations, performance standards for conducting topographic surveys, and the use of these maps and other geospatial data.

Statement Requirement for Surveys

Currently, Board regulations require that a certification statement be included with all topographic surveys:

18VAC10-20-382.B.11

"A statement, in the following form, shall be shown on or contained in plats, maps, or digital geospatial data including metadata:

This _____ (provide description of the project) was completed under the direct and responsible charge of, _____ (Name of Surveyor or Surveyor Photogrammetrist) from an actual Ground or Airborne (check the one that is applicable) survey made under my supervision; that the imagery and/or original data was obtained on _____ (Date); and that this plat, map, or digital geospatial data including metadata meets minimum accuracy standards unless otherwise noted."

The statement indicates that the "Name of Surveyor or Surveyor Photogrammetrist" is required. The individuals authorized to perform topographic surveys are land surveyors and surveyor photogrammetrists licensed pursuant to 54.1-400 (et seq.) of the *Code of Virginia*. However, licensed architects and professional engineers are also authorized by Virginia statute to perform topographic surveys provided the survey is incidental to the architectural or engineering project, respectively:

§ 54.1-401. Exemptions.

"The following shall be exempted from the provisions [surveyor license] of this chapter:

1. Practice of professional engineering and land surveying by a licensed architect when such practice is incidental to what may be properly considered an architectural undertaking.
2. Practice of architecture and land surveying by a licensed professional engineer when such practice is incidental to an engineering project."

It is the intent of the Board's regulations that the statement required by 18VAC10-20-382.B.11 of the Board's regulations be signed by whichever professional completed the survey- surveyor, surveyor photogrammetrist, architect, or professional engineer.

Survey Performance Standard

Board regulations also require that any licensed professional, authorized to perform a survey, must perform the survey to the standards contained in 18VAC10-20-382 of the Board's regulations:

18VAC10-20-730.C

"The professional shall adhere to the minimum standards and requirements pertaining to the practice of his own profession, as well as other professions if incidental work is performed."

When a licensed surveyor or surveyor photogrammetrist performs a topographic survey, or if an architect or professional engineer performs a topographic survey incidental to an architectural or engineering project, respectively, he must seal, sign, and date the survey per Board regulations:

18VAC10-20-382.A

"The minimum standards and procedures set forth in this section are to be used for topographic surveys performed in the Commonwealth of Virginia pursuant to Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia. The application of the professional's seal, signature and date as required by these regulations shall be evidence that the topographic survey is correct to the best of the professional's knowledge and belief, and complies with the minimum standards and procedures."

Board regulations also require a seal, signature, and date even in situations where a license is not required:

18VAC10-20-760.B.4

"The seal of each professional responsible for each profession shall be used and shall be on each document that was prepared under the professional's direction and for which that professional is responsible. If one of the exemptions found in § 54.1-402 of the Code of Virginia is applicable, a professional licensed or certified by this board shall nevertheless apply his seal to the exempt work."

Use of Unregulated Topographic Surveys

The *Code of Virginia* requires that a topographic survey be performed by a professional who is duly licensed by the Board. Topographic surveys used in the design, modification, construction of improvements to real property, or for flood plain determination must be sealed, signed, and dated by the licensed professional who performed the survey or directly supervised the person who performed the survey. A topographic survey that is not sealed, signed, and dated by a professional must only be used for general information pursuant to Virginia statute:

§ 54.1-402.C Further exemptions from license requirements for architects, professional engineers, and land surveyors.

(third paragraph) "Any person not licensed pursuant to subsection B of § 54.1-404 or 54.1-406 preparing documentation pursuant to subsection C of § 54.1-402 shall note the following on such documentation: "Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination."

Use of Unregulated Geospatial Data

In 2012, a state-wide orthographic database for general use by the public was created. Since that time, it has come to the attention of the APELSCIDLA Board that these maps may have been used, or may currently be being used, for professional design services, including, but not necessarily limited to, design of improvements to real property, flood plain determination for the determination of flood zone limits, downstream flood inundation zones below regulated dams and the design of public roads. That noted, pursuant to §54.1-402.C, all regulants are advised that these maps do not approach the level of accuracy for use in providing design services; therefore, design professionals are cautioned that the use of this public data may be deemed a violation, as this data does not meet the minimum standards of accuracy required for use by design professionals and may be injurious to the health, safety and welfare of the public.

Summary

The excerpts from Virginia statutes and Board regulations are provided above for your convenience to help you locate the text from the administrative and positive law that establishes the Board's authority. To conclude the information above, the following summaries of this document are provided:

1. Although the Board's regulations indicate that the survey statement requires the "Name of Surveyor or Surveyor Photogrammetrist", the architect or engineer who performed the survey, or directly supervised the individual who performed the survey, must place his name on the statement required by the regulations.
2. Surveys must be performed to the standards established in the Board's regulations whether the survey is performed by a licensed surveyor, surveyor photogrammetrist, architect, or professional engineer as indicated in this document. All surveys, regardless of whether exempt from statutory licensure requirements, must be sealed, signed, and dated by the professional who performed the survey or directly supervised the individual who performed the survey.
3. Any professional licensed by the Board, who utilizes a topographic survey to perform professional work, must ensure that the survey is sealed, signed, and dated properly as indicated above.
4. USGS quad sheets and GIS data, unregulated orthographic surveys, or other unregulated topographic surveys prepared pursuant to §54.1-402.C of the *Code of Virginia*, may be used for general information and need not be signed and sealed. The use of unsigned information must include a statement clearly depicting the use of those documents and their origin.

Guidance Document

To: Regulants & Other Members of the Public
From: Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA Board)
Date: December 15, 2011 (Revised March 17, 2015 and June 13, 2016)
Re: Onsite Sewage Systems Designed by PE's and Onsite Soil Evaluators

Purpose

The purpose of this document is to clarify the requirements for onsite sewage systems designs as completed by a licensed professional engineer (PE) or a licensed onsite soil evaluator. All systems consist of both the treatment *and* dispersal components.

Background

§ 54.1-406 of the *Code of Virginia* requires a license for any person engaging in the practice of engineering unless otherwise exempt pursuant to §§ 54.1-401, 54.1-402, or 54.1-402.1. The full text of the statute reads as follows:

A. Unless exempted by §§ 54.1-401, 54.1-402, or 54.1-402.1, a person shall hold a valid license prior to engaging in the practice of architecture or engineering which includes design, consultation, evaluation or analysis and involves proposed or existing improvements to real property.

§ 54.1-402 of the *Code of Virginia* contains various exemptions from licensure for specific activities meeting specific conditions. The full text of the licensure exemption regarding onsite sewage systems is contained in § 54.1-402(A)(11) reads as follows:

§ 54.1-402 Further exemptions from license requirements for architects, professional engineers, and land surveyors.

A. No license as an architect or professional engineer shall be required pursuant to § 54.1-406 for persons who prepare plans, specifications, documents and designs for the following, provided any such plans, specifications, documents or designs bear the name and address of the author and his occupation:

11. Conventional and alternative onsite sewage systems receiving residential wastewater, under the authority of Chapter 6 of Title 32.1, designed by a licensed onsite soil evaluator, which utilize packaged equipment, such as equipment of catalogued standard design that has been coordinated and tested by the manufacturer, and complies with all applicable codes, provided (i) the flow is less than 1,000 gallons per day; and (ii) if a pump is included, (a) it shall not include multiple downhill runs and must terminate at a positive elevational change; (b) the discharge end is open and not pressurized; (c) the static head does not exceed 50 feet; and (d) the force main length does not exceed 500 feet.

SECTION A: Onsite Sewage Systems Receiving Residential Wastewater

Normally, a PE license is required to design an onsite sewage system; however, pursuant to the exemption listed above, an onsite soil evaluator, *who holds the appropriate license issued by the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals ("WWWOSSP Board"),* may design an *onsite sewage system receiving residential wastewater* so long as the system meets all of the following criteria:

1. Utilizes packaged equipment, such as equipment of catalogued standard design that has been coordinated and tested by the manufacturer, and complies with all applicable codes;
2. Produces a flow which is less than 1,000 gallons per day; and
3. The pump (if a pump is included) does not include multiple downhill runs, terminates at a positive elevational change; the discharge end is open and not pressurized; the static head does not exceed 50 feet; and the force main length does not exceed 500 feet.

As long as all three of the above criteria are met, a PE license is not required and *the onsite sewage system receiving residential wastewater* may be designed by an onsite soil evaluator, *who holds the appropriate license issued by the WWWOSSP Board.* However, if any of the above three conditions are not met, *the onsite sewage systems receiving residential wastewater* (and not just that component) must be designed by a licensed PE.

If the onsite sewage system that does not meet *each* of the three criteria *in Section A* the onsite system must be designed by a licensed PE. For any condition that is not met, it is not acceptable to have a PE sign and seal only that component; the PE is responsible for the entire system design. An onsite soil evaluator shall be responsible for any work he performs regarding a soil evaluation. A PE shall be responsible for the work he performs based on the soil evaluation. The PE must sign and seal the entire system because the licensed onsite soil evaluator no longer meets the exemption contained in § 54.1-402(A)(11).

An *onsite sewage system receiving residential wastewater that meets the above three criteria* may be designed by a licensed onsite soil evaluator, *who holds the appropriate license issued by the WWWOSSP Board,* in accordance with § 54.1-402(A)(11). Should a PE be involved in any design of the system, regardless if a PE license is required, the PE must sign and seal his work pursuant to Board regulations.

SECTION B: Residential Wastewater

§ 54.1-400 of the Code of Virginia states, in part:

"Residential wastewater" means sewage (i) generated by residential or accessory uses, not containing storm water or industrial influent, and having no other toxic, or hazardous constituents not routinely found in residential wastewater flows, or (ii) as certified by a professional engineer.

The fact that the locality has approved a use as an "accessory use" for zoning or other purposes is not dispositive to the determination that the wastewater constitutes "residential wastewater" as defined by § 54.1-400.

Factors to consider in determining whether the wastewater meets the definition of subsection (i) of "Residential wastewater" contained in § 54.1-400 include, but are not limited to:

1. Does the location/source of the wastewater come from a structure that is primarily a residence?
2. Is the accessory use incidental and subordinate to the primary residence?
3. Does the wastewater from the structure that enters the onsite sewage system not contain storm water, industrial influents, other toxics or hazardous constituents not routinely found in residential wastewater such as chemicals, increased Biochemical Oxygen Demand or Total Suspended Solids?

If the answer to any of the above three questions is "No" then a licensed PE must certify that the wastewater is of residential strength

Further, calculations to determine wastewater characterizations or to certify that the wastewater is of residential strength shall only be done by a licensed PE.

If the onsite system meets the criteria of Section A, and B or a PE has determined and certified the wastewater is of residential strength, then an onsite soil evaluator, who holds the appropriate license issued by the WWOSSP Board may design the system. A PE who has determined and certified the wastewater is of residential strength, shall sign and seal his work.

Guidance Document

To: Regulants & Other Members of the Public
From: Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA Board)
Date: June 12, 2012
Re: Comity Applicant Criteria of the Board's Current Regulations (eff. July 1, 2010)

Purpose

The purpose of this document is to clarify the application requirements for those persons applying to the Board for licensure or certification via comity based on licensure or certification in a jurisdiction outside of Virginia.

Architects

Applicants for architect licensure via comity must be currently licensed as an architect (and in good standing) in another jurisdiction of the United States or a province of Canada. Applicants without a NCARB certificate must meet (as of today) the Virginia licensing requirements that they would have needed to meet when they were first licensed as an architect by another jurisdiction of the United States or a province of Canada.

For example: John Smith was first licensed as an architect in Ohio on 11/17/1985. He is presently licensed in Texas and is in good standing. He is applying for a Virginia architect license via comity. The Board regulations in effect on 11/17/1985 (the date Mr. Smith was first licensed) were last updated 10/18/1985. Therefore, Mr. Smith must demonstrate that, as of today, he meets the requirements of the Board's regulations effective 10/18/1985.

Applicants for architect licensure via comity who hold a valid NCARB certificate, are currently licensed as an architect, and in good standing are not required to demonstrate they meet any other education, examination, or experience requirements of the Board's current regulations effective 7/1/2010.

Applicants who do not meet either of the above two circumstances must satisfy the initial licensing requirements of the Board's current regulations effective 7/1/2010. These requirements are the same requirements which first-time license applicants must meet.

Professional Engineers (PE)

Applicants for PE licensure via comity must be currently licensed as a PE (and in good standing) in another jurisdiction of the United States. Applicants must successfully demonstrate that their first PE license was issued based on having met education, experience, and examination requirements which were substantially equivalent to Virginia's requirements at the same time of the applicant's original licensure. Additionally, comity applicants must submit three current references.

For example: Adam Jones was first licensed as a PE in Florida on 5/22/1994. He is presently licensed in California and is in good standing. He is applying for a Virginia PE license via comity. The Board regulations in effect on 5/22/1994 (the date Mr. Jones was first licensed) were last updated 5/19/1994. Therefore, Mr. Jones must demonstrate that when he was first licensed in Florida, he would have met the licensing requirements of the Board's regulations effective 5/19/1994. He must also submit three references.

If Mr. Jones cannot demonstrate that he met the Board's PE licensure requirements when he was first licensed in Florida on 5/22/1994, he must satisfy the initial licensing requirements of the Board's current regulations effective 7/1/2010. These requirements are the same requirements which first-time license applicants must meet.

Land Surveyors

Applicants for land surveyor licensure via comity must be currently licensed as a land surveyor (and in good standing) in another jurisdiction of the United States. Applicants must successfully demonstrate that their first land surveyor license was issued based on having met education, experience, and examination requirements which were substantially equivalent to Virginia's requirements at the same time of the applicant's original licensure. Applicants must also pass the Virginia state-specific examination.

For example: Susan Johnson was first licensed as a land surveyor in North Carolina on 4/5/2001. She is presently licensed in Maryland and is in good standing. She is applying for a Virginia land surveyor license via comity. The Board regulations in effect on 4/5/2001 (the date Ms. Johnson was first licensed) were last updated 12/1/1999. Therefore, Ms. Johnson must demonstrate that when she was first licensed in NC, she would have met the requirements of the Board's regulations effective 12/1/1999. She is also required to pass the Virginia state-specific examination regardless of any other examinations she has completed.

If Ms. Johnson cannot demonstrate that she met the Board's land surveyor licensure requirements when she was first licensed in NC, she must satisfy the initial licensing requirements of the Board's current regulations effective 7/1/2010. These requirements are the same requirements which first-time license applicants must meet.

Landscape Architects

Applicants for landscape architect licensure via comity must be currently licensed as a landscape architect (and in good standing) in another jurisdiction of the United States. Applicants must successfully demonstrate that their first landscape architect license was issued based on having met education, experience, and examination requirements which were not in conflict with, and at least as rigorous as, Virginia's statutory and regulatory requirements at the same time of the applicant's original licensure.

For example: Brad Moore was first licensed as a landscape architect in New Jersey on 8/14/2004. He is presently licensed in Massachusetts and is in good standing. He is applying for a Virginia landscape architect license via comity. The Board regulations in effect on 8/14/2004 (the date Mr. Moore was first licensed) were last updated 3/1/2002. Therefore, Mr. Moore must demonstrate that when he was first licensed in NJ, he would have met the requirements of the Board's regulations effective 3/1/2002.

Applicants for landscape architect licensure via comity who hold a valid CLARB certificate, are currently licensed as a landscape architect, and in good standing are not required to demonstrate they meet any other education, examination, or experience requirements of the Board's regulations.

If Mr. Moore cannot demonstrate that he met the Board's landscape architect licensure requirements on 8/14/2004, he must satisfy the initial licensing requirements of the Board's current regulations effective 7/1/2010. These requirements are the same requirements which first-time license applicants must meet.

Interior Designers

Applicants for interior designer certification via comity must be currently licensed or certified as an interior designer (and in good standing) in another jurisdiction of the United States. Applicants must successfully demonstrate that their first interior designer license or certification was issued based on having met education, experience, and examination requirements which were equal to the Board's requirements at the same time of the applicant's original licensure or certification.

For example: Jane Smith was first licensed as an interior designer in New York on 12/4/2005. She is presently certified in Georgia and is in good standing. She is applying for Virginia interior designer certification via comity. The Board regulations in effect on 12/4/2005 (the date Ms. Smith was first licensed or certified) were last updated 12/1/2004. Therefore, Ms. Smith must demonstrate that when she was first licensed in New York, she would have met the requirements of the Board's regulations effective 12/1/2004.

If Ms. Smith cannot demonstrate that she met Virginia's interior designer certification requirements on 12/4/2005, she must satisfy the initial certification requirements of the Board's current regulations effective 7/1/2010. These requirements are the same requirements which first-time certification applicants must meet.

Summary

Applicants for architect licensure via comity must either have a NCARB certificate or demonstrate that they meet (as of today) the Board requirements which were in effect when their first architect license was issued.

Applicants for PE, land surveyor, and landscape architect (without a CLARB certificate) licensure via comity must demonstrate that they would have met the Board's requirements had they applied in Virginia at the same point in time during which they were first licensed by a state other than Virginia. This means that all supporting documentation must clearly show that the experience, examination, and education requirements were satisfied *at the time* their first license was issued.

Applicants for interior designer certification by comity must demonstrate that they would have met the Board's requirements had they applied in Virginia at the same point in time during which they were first certified or licensed by a state other than Virginia. This means that all supporting documentation must clearly show that the experience, examination, and education requirements were satisfied *at the time* their first license or certification was issued.



COMMONWEALTH of VIRGINIA
Department of Professional and Occupational Regulation

Terence R. McAuliffe
Governor

Todd Haymore
Secretary of
Commerce and Trade
Jay W. DeBoer
Director

To: Virginia Localities
From: Kate Nosbisch, Executive Director, Virginia APELSCIDLA Board
Date: September 23, 2016
Re: Land Surveyor Scope of Practice

It has been brought to the attention of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA) that there may be a misconception in some Virginia localities as to the regulatory permitted scope of professional practice a licensed land surveyor and land surveyor B may provide, including, but not necessarily limited to, the design of Stormwater Management Projects. The Board has also been advised that some localities have adopted rules, standards or regulations that are more restrictive, such as placing limits on the disturbed area of a site that a land surveyor and land surveyor B may design and/or not accepting a design which is provided by a land surveyor that is otherwise allowed by the state statutes. Therefore, this clarification of Virginia Code is provided for guidance.

Per §54.1-400 of the Code of Virginia, by definition, a "land surveyor" means a person who, by reason of his knowledge of the several sciences and of the principles of land surveying, and of the planning and design of land developments acquired by practical experience and formal education, is qualified to engage in the practice of land surveying, and whose competence has been attested by the Board through licensure as a land surveyor.

In that same section of the Code, the "practice of land surveying" is defined as follows: includes surveying of areas for a determination or correction, a description, the establishment or reestablishment of internal and external land boundaries, or the determination of topography, contours or location of physical improvements, and also includes the planning of land and subdivisions thereof. The term "planning of land and subdivisions thereof" shall include, but not be limited to, the preparation of incidental plans and profiles for roads, streets and sidewalks, grading, drainage on the surface, culverts and erosion control measures, with reference to existing state or local standards.

As to the permitted practice of a land surveyor, the Board has determined that the practice of land surveying is not limited by the amount of disturbed area associated with any survey or plan. Further, the Board has also determined that under the provision of "planning of land and subdivisions thereof" above, a regulant is permitted to design and prepare plans for stormwater

management and water quality facilities provided that such design is for systems that convey "drainage on the surface" for which the design, application and calculations are based on current state or local standards, as well as "as built" surveys of Stormwater Management facilities. The Board considers the *Virginia Stormwater Management Handbook* and the application of the *Virginia Runoff Reduction Method* as current state standards.

§ 54.1-408. *Practice of land surveying; subdivisions* define a land surveyor B's scope of practice:

In addition to the work defined in § 54.1-400, a land surveyor may, for subdivisions, site plans and plans of development only, prepare plats, plans and profiles for roads, storm drainage systems, sanitary sewer extensions, and water line extensions, and may perform other engineering incidental to such work, but excluding the design of pressure hydraulic, structural, mechanical, and electrical systems. The work included in this section shall involve the use and application of standards prescribed by local or state authorities. The land surveyor shall pass an examination given by the Board in addition to that required for the licensing of land surveyors as defined in § 54.1-400. Any land surveyor previously licensed pursuant to subdivision (3) (b) of former § 54-17.1 may continue to do the work herein described without further examination. Except as provided, nothing contained herein or in the definition of "practice of land surveying" in § 54.1-400 shall be construed to include engineering design and the preparation of plans and specifications for construction.

As to the permitted practice of a land surveyor B, the Board has determined the land surveyor B can perform all the activities of a land surveyor and in addition, the design for storm drainage systems, sanitary sewer extensions, and water line extensions and other engineering incidental to such work.

In closing, localities are reminded that, while they are within their rights to adopt more restrictive rules, standards or specifications with regard to development standards, they should not adopt more restrictive rules, standards or specifications that limit the scope of practice of licensed professionals governed by the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects at the Department of Professional and Occupational Regulation.

If you have any questions, please feel free to contact the Virginia APELSCIDLA Board at (804) 367-8514.

Thank you.

cc: Virginia Department of Transportation
Virginia Department of Environmental Quality
Virginia Department of Health

In accordance with § 2.2-4002.1 of the Code of Virginia, this proposed guidance document conforms to the definition of a guidance document in § 2.2-4101.



Virginia Board for Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers, and Landscape Architects (APELSCIDLA Board)

GUIDANCE DOCUMENT:

Property lines along public roads without recorded fee simple right of way

Adopted July 15, 2020

Effective December 1, 2020

Applicable Regulations

18VAC10-20-370.B. Minimum standards and procedures for land boundary surveying practice. Research Procedure. The professional shall search the land records for the proper description of the land to be surveyed and obtain the description of adjoining land(s) as it pertains to the common boundaries. The professional shall have the additional responsibility to utilize such other available data pertinent to the survey being performed from any other known sources. Evidence found, from all known sources, including evidence found in the field, shall be carefully compared in order to aid in the establishment of the correct boundaries of the land being surveyed. The professional shall clearly identify on the plats, maps, and reports inconsistencies found in the research of common boundaries between the land being surveyed and the adjoining land(s). It is not the intent of this regulation to require the professional to research the question of title or encumbrances on the land involved.

18VAC10-20-370.C. 4. Minimum standards and procedures for land boundary surveying practice. Minimum Field Procedures. Monumentation. As a requisite for completion of the work product, each land boundary survey of a tract or parcel of land shall be monumented with objects made of permanent material at all corners and changes of direction on the land boundary with the exceptions of meanders, such as meanders of streams, tidelands, lakes, swamps and prescriptive rights-of-way, and each such monument, other than a natural monument, shall, when physically feasible, be identified by a temporary witness marker. Where it is not physically feasible to set actual corners, appropriate reference monuments shall be set, preferably on line, and the location of each shall be shown on the plat or map of the land boundary.

Issue

Solving any boundary retracement problem requires two elements: the written intention of the parties and the physical evidence that documents or witnesses the written intention. What is the surveyor to do when the road is a prescriptive right?

This guidance document highlights the generally acceptable practices for surveys along prescriptive roads. There are many of these roads in Virginia. Prescriptive easements arise from continuous use of a particular area for a particular purpose for a requisite period with knowledge and acquiescence of the owners. These easements are thought vested in the public interest for purpose and right-of-passage over the way.

Background

Surveying after someone placed monuments 15' from the centerline of the traveled way along a prescriptive easement road can raise questions. Did they intend to sever the 15' strip? Did they record a plat of survey, and metes and bounds description where they reference those as an offset to the centerline?

Consider the Virginia Administrative Code provides that prescriptive easement roads need *not* be monumented (18VAC10-20-370.C.4).

Do we treat found, called pipe along the sidelines as offsets to the true corners? Under closer inspection of the chain of title for the property, we often find no mention of intention to dedicate fee simple right of way. The property likely passed multiple conveyances using such description which patently severs the subject property from the area of the prescriptive easement. How then is best to handle the severed strip and the property fronting the road?

Provided there is no affirmative fee simple dedication on record, accepted rules of law for reconstruction of intent, namely, that "called for" natural monument overrides an artificial monument,¹ thus center of traveled way overrides the set pipe if the deed calls the road as the boundary. Also provided the metes and bounds description clearly indicates a property not including the road, and is whole and complete upon its face, the deed description can be interpreted primarily in two ways using existing case law as guidance.

More recent roads and streets are likely conveyed to the municipality. Dedication of platted streets conveys in fee simple to the municipality upon plat recordation after July 1, 1946 when the (state) Subdivision Code authorized the action of automatically conveying fee of rights-of-way of duly approved subdivisions to the municipality. (For further information, see Code of Virginia § 15.2-2265. Recordation of approved plat as transfer of streets, termination of easements and rights-of-way, etc.)

¹ "Where the description in a deed is not ambiguous, but certain and complete, there is no occasion to resort to extrinsic evidence to ascertain the intent of the parties as to the land intended to be conveyed," (Ault v. Clark, 112 N.E. 843 (1916)). Assume the strip may not have conveyed. The preferred solution is cleaning the chain of title. This may be the most advantageous solution when working toward a fee simple dedication for expanding the road. Cleaning the title of uncertainties by using eminent domain condemnation on the severed strip, via a plat styled for *Heirs and Assigns of <name of Last Known Owner>*, and/or *Owners Unknown* is an effective solution allowing any interested parties to come forward yet, still gaining fee simple title for the City, County, Town, or Commonwealth. This solution should be undertaken in consultation with the municipality.

The prescriptive right of way roads in VDOT Secondary Street System Maintenance are often referred to as “Byrd Act Roads.” This misnomer generally refers to roads not dedicated in fee simple. Nothing within the act guides the surveyor on how to delineate the existing roads. The Byrd Act is legislation from Virginia Acts of Assembly, VA 1932, which provided relief to counties for road construction and maintenance. It created the Secondary System of Highways, and passed whatever title and interests in public roads, held by participating counties to the Commonwealth. However, in 1932, almost all roads were by common use, prescriptive. Counties generally held no title interests to the roads at that time.

Board Guidance

Surveyors often retrace property boundaries abutting public roads with no recorded fee simple right of way. These roads are often described as **prescriptive right of way** or **prescriptive easement** and are normally 30’ wide. The following shall apply to the location of the property line along these roads:

Based on the recorded descriptions the surveyor shall determine when the road is the controlling monument, as in this example: “*along the Ox Road, the following courses, N 27 1/2° W, 9 poles.*”

Generally, calls for the center of the road, along the road, or similar phrases indicate the monument is controlling. In those cases, the center of the road is the boundary.

When there is evidence of an old road scar or the current road having been in a different location, a determination of whether to use the current road or the old road location shall be made based on the preponderance of the evidence and information that can be obtained. The property line shall be established using the center of one road location or the other.

Under no circumstance shall the property line be established as 15’ from the center of the road without recorded fee simple dedication for public road purposes.

Surveyors often retrace property boundaries abutting public roads with no recorded fee simple right of way where a previous survey has mistakenly established the property line as being 15’ off the center of the road. The following shall apply with regard to the location of the property line along the road in such situations:

Unless there is evidence to the contrary, the assumption shall be made that the intent was not to sever or create a parcel 15’ wide along the road. Further, the assumption shall be made that the “grantor is presumed to intend to convey the largest bundle of rights he or she possesses.”² The new survey shall go to the center of the center of the road or old property line location as described previously.

² In absence of a “clearly and expressly reserved legal title,” (Smith v. Smith, 622 A.2d 642 (1993)) assume the grantor conveyed the full bundle of rights they held, not intending to hold back a strip. Inconsistencies and uncertainties are “resolved in favor of the grantee as long as such a construction does not violate any apparent intention of the parties to the transaction.” Rohner v. Niemann, 380 A.2d at 552. (Id.) and “a conveyance of title to adjacent property served by an easement is presumed to pass title to the center line of the easement. 12 Am.Jur.2d Boundaries §§ 22, 38, 54 and 55 (1964). (Id.) This approach assumes the title passed with each conveyance and likely is sufficient for successive conveyances not submitting property to an act of subdivision, nor a fee simple dedication for an expansion of the road.

Surveyors should be aware of the statute, administrative code, case law, and agency guidance for solving boundaries involving public roads without recorded fee simple right of way. There are several resources in the references below with which the practicing surveyor should be familiar.

References

Ault v. Clark, 112 N.E. 843 (1916)

Code of Virginia, 2020, Title 15.2. Counties, Cities and Towns, Chapter 22. Planning, Subdivision of Land and Zoning, § 15.2-2265. Recordation of approved plat as transfer of streets, termination of easements and rights-of-way, etc. Retrieved from:

<https://law.lis.virginia.gov/vacode/title15.2/chapter22/>

Code of Virginia, 2020, Title 33.2. Highways and Other Surface Transportation Systems Chapter 1. Definitions and General Provisions, § 33.2-105. Evidence as to existence of a public highway. Retrieved from: <https://law.lis.virginia.gov/vacode/title33.2/chapter1/section33.2-105/>

Smith v. Smith, 622 A.2d 642 (1993)

Spainhour v. Huffman, 237 Va. 340, 377 S.E.2d. 615; 1989 Va.

Survey Manual, Virginia Department of Transportation, 2019. Retrieved from:

http://www.virginiadot.org/business/locdes/survey_manual.asp

Virginia Administrative Code, 2020, Title 18. Professional and Occupational Licensing, Agency 10. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Chapter 20. 18VAC10-20-370. Minimum Standards and Procedures for Land Boundary Surveying Practice. 2018, Retrieved from:

<https://law.lis.virginia.gov/admincode/title18/agency10/chapter20/section370/>

Ward v. Harper, 234 Va. 68, 70, 360 S.E.2d 179, 181 (1987)



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July 10, 2023

Via Email to APELSCIDLA@dpor.virginia.gov

Kathleen R. Nobsch, Executive Director
DPOR
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233

Re: **Response to Request for Public Comment on 18 VAC 10-20**

Dear Ms. Nobsch:

I write in response to DPOR's request for public comment on 18 VAC 10-20, on behalf of my client Lessard Design, Inc. ("LDI"). LDI requests that DPOR consider repealing or modifying 18 VAC 10-20-740 Subsection F.

18 VAC 10-20-740 Subsection F ("Subsection F") provides as follows:

"Except as authorized by 18VAC10-20-760 A 2, a regulant shall not utilize the design, drawings, specifications, or work of another regulant to complete or to replicate any work without the written consent of the person or organization that owns the design, drawings, specifications, or work."¹

Subsection F requires that a regulant, such as an architect,² obtain the written consent of the owner of another architect's work before using or modifying that work.³ The purpose of

¹ A copy of 18 VAC 10-20-740 is enclosed with this letter.

² Lessard Design Inc. is a full-service, national architecture firm based in Tysons Corner, Virginia (<https://www.lessarddesign.com/>). Accordingly, this letter focuses on Subsection F's application to architects and their work. While the positions advanced in this letter may apply to engineers and their work, DPOR should separately consider the application of Subsection F to the engineering profession.

³ In this letter, the term "work" means the "design, drawings, specifications, or work" referenced in Subsection F, the term "original architect" means the architect that created the work, the term "subsequent architect" means an architect that has been engaged to utilize or modify the original architect's work, and the term "client" means the client (generally a property owner or contract purchaser) who engaged the original architect to create the work and the subsequent architect to modify the original architect's work.



DPOR

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architect obtain the consent of the original architect in this circumstance, even when the client already has a license to modify the work. By doing so, Subsection F gives the original architect a second opportunity to extract compensation for work for which it has already been compensated.

3. Subsection F permits an original architect to act arbitrarily. Subsection F does not require that an original architect act reasonably or promptly in providing its consent. In the absence of such a requirement, the original architect may withhold or delay its consent even in cases where changes to its work are minimal, or the original architect is not capable of making the changes. The original architect could presumably condition its consent on the payment of a substantial unearned fee, deterring healthy competition in the market for architectural services.

4. Subsection F's remedies are extreme. An architect that violates Subsection F exposes itself to disciplinary action and sanctions under 18 VAC 10-20-790, even where the original architect's work was not sufficiently original to enjoy copyright protection. The threat of sanctions under such circumstances is plainly unreasonable. Even in cases where a prior architect's work enjoys copyright protection, copyright law already provides appropriate remedies for unauthorized use of the work. The Virginia Administrative Code should not convert a civil copyright violation into a licensing issue.

CONCLUSION

DPOR should consider the objectives behind Subsection F and consider appropriate revisions. If DPOR determines that Subsection F is needlessly duplicative of copyright law, then it should repeal it. If DPOR determines that Subsection F furthers valid objectives in the regulation of architects, then DPOR should modify Subsection F to accomplish the following:

A. Narrow the scope of work for which consent is required to copyrighted works, or to works that enjoy some other legally recognized protection, and only require such consent to the extent that a subsequent architect's use infringes on the original architect's work;

B. Eliminate any requirement to obtain consent for non-original works, functional works, or elements in a work that are required by zoning codes, building codes, or other published design guidelines;

C. Require the original architect to act promptly and reasonably in providing or withholding consent, and provide a procedure for the use of an original architect's work when the original architect is unavailable or cannot be located; and

D. Allow a licensee or similar holder of rights in a copyrighted work to provide the consent required by Subsection F.

18VAC10-20-740. Professional responsibility.

A. Unless exempt by statute, all architectural, engineering, land surveying, landscape architectural, and interior design work must be completed by a professional or a person performing the work who is under the direct control and personal supervision of a professional.

B. A professional shall be able to clearly define his scope and degree of direct control and personal supervision, clearly define how it was exercised, and demonstrate that he was responsible within that capacity for the work that he has sealed, signed, and dated. For the work prepared under his supervision, a professional shall:

1. Have detailed professional knowledge of the work;
2. Exercise the degree of direct control over work that includes:
 - a. Having control over decisions on technical matters of policy and design;
 - b. Personally making professional decisions or the review and approval of proposed decisions prior to implementation, including the consideration of alternatives to be investigated and compared for designed work, whenever professional decisions are made that could affect the health, safety, and welfare of the public involving permanent or temporary work;
 - c. The selection or development of design standards and materials to be used; and
 - d. Determining the validity and applicability of recommendations prior to incorporation into the work, including the qualifications of those making the recommendations;
3. Have exercised his professional judgment in professional matters that are embodied in the work and the drawings, specifications, or other documents involved in the work; and
4. Have exercised critical examination and evaluation of an employee's, consultant's, subcontractor's, or project team member's work product, during and after preparation, for purposes of compliance with applicable laws, codes, ordinances, regulations, and usual and customary standards of care pertaining to professional practice.

C. The regulant shall not knowingly associate in a business venture with or permit the use of his name by any person or firm when there is reason to believe that person or firm is engaging in activity of a fraudulent or dishonest nature or is violating statutes or any of these regulations.

D. A regulant who has knowledge that any person may have violated or may currently be violating any of these provisions, or the provisions of Chapters 7 (§ 13.1-542.1 et seq.) and 13 (§ 13.1-1100 et seq.) of Title 13.1 or Chapters 1 (§ 54.1-100 et seq.) through 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia, shall inform the board in writing and shall cooperate in furnishing any further information or assistance that may be required by the board or any of its agents.

E. Upon request by the board or any of its agents, the regulant shall produce any plan, plat, document, sketch, book, record, or copy thereof concerning a transaction covered by this chapter and shall cooperate in the investigation of a complaint filed with the board against a regulant.

F. Except as authorized by 18VAC10-20-760 A 2, a regulant shall not utilize the design, drawings, specifications, or work of another regulant to complete or to replicate any work without the written

➤ Landscape Architects

- Virtual Information Sessions Available for Upcoming Proposed Chesapeake Bay Preservation Ordinance (CBPO) and Public Facilities Manual (PFM)- Emailed on February 14, 2024
- Safe Travels! Briefing Pack & Trip Info- Emailed on February 20, 2024
- FW: Surveyors Week Proclamation- Emailed on February 26, 2024
- CLARB Correspondence
 - i. New Board Executives, Members and Staff encouraged to attend ICOR Orientation – Emailed February 16, 2024
 - ii. Tomorrow! Orientation for new Board Executives, Members and Staff- Emailed on February 20, 2024
 - iii. Join us tomorrow for Part 3 of Design Meets Dialogue – Emailed February 20, 2024
 - iv. Leading with Foresight: recording, slides & survey – Emailed on February 24, 2024
 - v. Recording now available: Spring Licensure Summit with ASLA + CLARB – Emailed on March 17, 2024
 - vi. Public Speaking Tips and Tricks: recording, slides & survey – Emailed on March 17, 2024
 - vii. Design Meets Dialogue: Communication resources, call for submissions – Emailed on March 17, 2024
 - viii. Tomorrow: In the Know with ARPL – Emailed on March 18, 2024
 - ix. Register now for the CLARB Membership Mid-year Update - Emailed on March 20, 2024

➤ Professional Engineers

- Virtual Information Sessions Available for Upcoming Proposed Chesapeake Bay Preservation Ordinance (CBPO) and Public Facilities Manual (PFM)- Emailed on February 14, 2024
- Safe Travels! Briefing Pack & Trip Info- Emailed on February 20, 2024
- FW: Surveyors Week Proclamation- Emailed on February 26, 2024
- NCEES Correspondence
 - i. ALEC Labor Reform Policy- Emailed on February 15, 2024
 - ii. Nomination of Linda H. Bergeron for Southern Zone Secretary- Emailed on February 16, 2024
 - iii. Candidate for Southern Zone Secretary- Emailed on February 23, 2024
 - iv. (MBA Link) To Southern Zone MBA's – Emailed on February 24, 2024
 - v. NCEES seeks licensed engineers' professional expertise and advice – Emailed on February 26, 2024
 - vi. (MBA Link) Proposed Bylaws Revisions – Emailed on February 26, 2024
 - vii. Fw: NCEES Southern Zone interim meeting—candidates for zone office – Emailed on February 29, 2024
 - viii. Universal Licensing Effects Research – Emailed on March 4, 2024
 - ix. EXT:NCEES Southern Zone Secretary Election - Linda Bergeron – Emailed on March 13, 2024

- x. Reminder: ARPL 2024 Legislative and Activities Update starts in 1 day – Emailed on March 18, 2024
- xi. 2024 Southern Zone Interim Meeting materials – Emailed on April 2, 2024
- xii. (MBA Link) Understanding the Mutual Recognition =0AAgreement Between NCEES and the U.K. Engineering Council – Emailed on April 2, 2024
- xiii. NCEES seeks licensed engineers’ professional expertise and advice – Emailed on April - Emailed on April 22, 2024

- UK/NCEES Mutual Recognition Agreement Update

➤ Land Surveyors

- Virtual Information Sessions Available for Upcoming Proposed Chesapeake Bay Preservation Ordinance (CBPO) and Public Facilities Manual (PFM)- Emailed on February 14, 2024
- Safe Travels! Briefing Pack & Trip Info- Emailed on February 20, 2024
- FW: Surveyors Week Proclamation- Emailed on February 26, 2024
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 - x. Reminder: ARPL 2024 Legislative and Activities Update starts in 1 day – Emailed on March 18, 2024
 - xi. 2024 Southern Zone Interim Meeting materials – Emailed on April 2, 2024
 - xii. (MBA Link) Understanding the Mutual Recognition =0AAgreement Between NCEES and the U.K. Engineering Council – Emailed on April 2, 2024
 - xiii. NCEES seeks licensed engineers’ professional expertise and advice – Emailed on April - Emailed on April 22, 2024
- VAS Correspondence/Update
 - i. Submit Your Plat Today- Emailed on February 15, 2024

- ii. Register Today for the VAS Annual Convention- Emailed on February 21, 2024
- iii. VAS Important Hotel Information- Emailed on February 22, 2024
- iv. Plat Deadline Only Week Away – Emailed on March 1, 2024
- v. NCEES interactive annual report and Squared – Emailed on March 7, 2024
- vi. Why You Should Attend the VAS Convention – Emailed on March 11, 2024
- vii. VAS Election Results – Emailed on March 13, 2024
- viii. Surveyors Week Activities – Emailed on March 17, 2024
- ix. VAS 76th Annual Convention April 3-6, 2024

- DCALS Correspondence

- i. DCALS Spring Banquet Dinner- Emailed on February 14, 2024
- ii. DCALS Spring Event 1 - Spring Banquet - 3/13/24- Emailed on February 27, 2024
- iii. DCALS Spring Event 2 - Spring Seminar - 3/22/24- Emailed on February 27, 2024

- Architects

- Virtual Information Sessions Available for Upcoming Proposed Chesapeake Bay Preservation Ordinance (CBPO) and Public Facilities Manual (PFM)- Emailed on February 14, 2024
- Safe Travels! Briefing Pack & Trip Info- Emailed on February 20, 2024
- FW: Surveyors Week Proclamation- Emailed on February 26, 2024
- NCARB Correspondence
 - i. January NCARB Update- Emailed on February 14, 2024
 - ii. The Volunteer Quarterly: President Bake Shares a Mid-Year Update- Emailed on February 15, 2024
 - iii. Deveron Q. Sanders- FY23 At-large Director Candidacy- Emailed on February 15, 2024
 - iv. Candidate for FY25 At-Large Director- Emailed on February 15, 2024
 - v. NCARB January Fast Facts- Emailed on February 15, 2024
 - vi. Candidacy for Public Director- Emailed on February 20, 2024
 - vii. John Patrick Redemacher- Candidacy for Second Vice President on the FY 2025 NCARB Board of Directors- Emailed on February 20, 2024
 - viii. Ed Marley Candidacy for Vice President/President Elect NCARB Board of Directors – Emailed on February 20, 2024
 - ix. Improving the Path for Future Architects- Emailed on February 22, 2024
 - x. Kevin J. Singh- Candidate for FY25 At-Large Director- Emailed on February 22, 2024
 - xi. ARE Update- ARE 5.0 New Guidelines – Emailed on February 24, 2024
 - xii. ARE Update: NCARB Issues Sanctions for Exam Candidate Misconduct – Emailed on February 27, 2024
 - xiii. VA February Data Report- Emailed on February 5, 2024
 - xiv. February NCARB Update- Emailed on February 14, 2024

- xv. Score Report Release Timing Update Reminder – Emailed on March 14, 2024
- xvi. VA March Data Report – Emailed on April 2, 2024
- xvii. NCARB March Fast Facts – Emailed on April 3, 2024
- xviii. ARE Update: New PSI Security Measure- Emailed on April 19, 2024
- xix. Re: Reminder: Letter of Credentials for NCARB Voting Delegate – Emailed April 21, 2024
- xx. ARE Update - PSI Security Update- Emailed April 23, 2024
- xxi. Congratulations to Tim Colley who won a contested election for Secretary Region 2

- AIA Correspondence
 - i. AIA Virginia March Member Newsletter – Emailed on March 14, 2024
 - ii. AIA Virginia April Member Newsletter – Emailed on April 17, 2024

➤ Certified Interior Designers

- Virtual Information Sessions Available for Upcoming Proposed Chesapeake Bay Preservation Ordinance (CBPO) and Public Facilities Manual (PFM)- Emailed on February 14, 2024
- Safe Travels! Briefing Pack & Trip Info- Emailed on February 20, 2024
- FW: Surveyors Week Proclamation- Emailed on February 26, 2024
- CIDQ Correspondence
 - i. New & Shiny Things! - Emailed on February 16, 2024
 - ii. New Board Executives, Members and Staff encouraged to attend ICOR Orientation – Emailed on February 16, 2024
 - iii. It Feels Like Just Yesterday- Emailed on February 20, 2024
 - iv. Call for Nominations is Open! – Emailed on March 11, 2024
 - v. CIDQ Q2 News – Emailed on April 2, 2024

Materials contained in this draft are proposed topics for discussion
And are not to be construed as a final decision or official board position
DRAFT FOR DISCUSSION

➤ Licensed and Certified Population

As of April 1, 2024

APELSCIDLA Businesses	4,142
Architects	7,751
Professional Engineers	31,245
Land Surveyors	1,229
Land Surveyors B	56
Land Surveyor Photogrammetrists	93
Certified Interior Designers	467
Landscape Architects	984

DRAFT AGENDA
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DRAFT AGENDA

**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Board for APELSCIDLA
954160**

2022-2024 Biennium

March 2024

	March 2024 Activity	Biennium-to-Date Comparison	
		July 2020 - March 2022	July 2022 - March 2024
Cash/Revenue Balance Brought Forward			184,558
Revenues	143,540	3,128,132	3,187,313
Cumulative Revenues			3,371,871
Cost Categories:			
Board Expenditures	14,673	288,855	332,340
Board Administration	93,733	1,144,367	1,284,305
Administration of Exams	5,613	69,901	50,012
Enforcement	9,456	107,722	133,396
Legal Services	1,247	11,904	12,117
Information Systems	86,932	825,550	886,385
Facilities and Support Services	17,701	315,469	309,555
Agency Administration	59,301	536,519	878,884
Other / Transfers	0	(2)	(575)
Total Expenses	288,656	3,300,286	3,886,420
Transfer To/(From) Cash Reserves	(81,357)	0	(542,263)
Ending Cash/Revenue Balance			27,714

Cash Reserve Beginning Balance	987,900	0	1,448,807
Change in Cash Reserve	(81,357)	0	(542,263)
Ending Cash Reserve Balance	906,544	0	906,544

Number of Regulants

Current Month	45,967
Previous Biennium-to-Date	44,233

Department of Professional and Occupational Regulation
 Supporting Statement of Year-to-Date Activity
 Board for APELSCIDLA - 954160
 Fiscal Year 2024

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
Board Expenditures	11,269	17,653	19,251	12,618	23,188	25,660	12,589	0	0	0	0	0	122,228	207,179	84,950	203,758	3,421	1.7%
Board Administration	58,767	56,871	84,637	29,759	62,364	91,714	35,373	0	0	0	0	0	419,485	935,341	515,855	654,677	280,664	30.0%
Administration of Exams	3,302	3,873	5,505	1,840	3,701	5,533	1,867	0	0	0	0	0	25,622	50,675	25,053	40,303	10,372	20.5%
Enforcement	6,225	6,468	9,728	3,531	6,431	9,702	3,232	0	0	0	0	0	45,317	100,735	55,418	71,014	29,721	29.5%
Legal Services	0	0	0	0	0	0	2,494	0	0	0	0	0	2,494	4,989	2,494	4,276	713	14.3%
Information Systems	25,505	59,708	48,211	33,571	37,465	45,695	8,032	0	0	0	0	0	258,188	525,607	267,419	430,105	95,502	18.2%
Facilities / Support Svcs	13,921	13,695	16,651	11,844	13,584	19,219	14,977	0	0	0	0	0	103,893	284,250	180,357	173,413	110,837	39.0%
Agency Administration	40,018	43,165	68,738	23,016	46,743	65,434	17,487	0	0	0	0	0	304,602	575,757	271,155	483,235	92,522	16.1%
Other / Transfers	0	0	0	0	0	-2	0	0	0	0	0	0	-2	0	2	-3	3	
Total Charges	159,008	201,435	252,722	116,179	193,477	262,955	96,052	0	0	0	0	0	1,281,827	2,684,532	1,402,704	2,060,779	623,753	23.2%

- **Other Business**
- **Conflict of Interest Forms /
Travel Vouchers**
- **Adjourn**

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