

**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 13, 2007, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Architects

John S. Clark, Jr.
J. Everette Fauber, III
Kenneth A. Schwartz

Professional Engineers

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

Land Surveyors

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

Interior Designers

Lorri B. Finn
Cameron C. Stiles

Landscape Architects

Vaughn B. Rinner
William H. Spell

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Karen W. O'Neal, Deputy Director Licensing and Regulation
Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Michelle Gowen, Administrative Assistant
Earlyne Perkins, Legal Analyst
Sheree L. Dean, Office Manager

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

Mr. Harris, Chair, called the meeting to order at 9:05 a.m.

Call to Order

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

Approval of Agenda

Mr. Courtney introduced Sheree Dean, the new Office Manager of his section, and welcomed her to the Department.

**Introduction of
Sheree Dean**

Mr. McAden moved to approve the minutes as written for the following meetings:

Approval of Minutes

- June 14, 2007, APELSCIDLA Board Meeting;
- June 14, 2007, Informal Fact-Finding Conference (ARCH);
- July 26, 2007, Architects Section Meeting;
- August 7, 2007, Professional Engineers Section Meeting;
- August 16, 2007, Land Surveyors Section Meeting;
- August 21, 2007, Interior Designer Section Meeting;
- August 28, 2007, Landscape Architect Section Meeting; and
- September 6, 2007, Informal Fact-Finding Conference (ARCH).

Mr. Stephenson seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Public Comment Period – Duncan Abernathy, VSAIA, addressed the Board regarding the proposed continuing education regulations. Mr. Abernathy provided information regarding what other states are requiring of their regulants in terms of continuing education for health, safety and welfare, as well as how some states have different continuing education requirements by discipline.

Public Comment Period

“Good morning ladies and gentlemen. I am Stanley C. Harris, Sr., and I am the Chairman of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board).

Public Hearing on Proposed Regulations

“This is a public hearing held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 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 for photogrammetry published in the *Virginia Register* on Monday, July 9, 2007.

“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: Nico De León and Wiley V. Johnson, III, of the Professional Engineers Section; Cameron Stiles and Lorri B. Finn of the Interior Designers Section; Vaughn Rinner and William Spell of the Landscape Architects Section; J. Everette Fauber, III, Kenneth Schwartz, and John S. Clark, Jr. of the

Architects Section; and Nancy McIntyre, John McAden, and Steve Stephenson of the Land Surveyors Section.

“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.

“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 5:00 p.m. today, September 13, 2007.”

There were no speakers present at the meeting.

“The record of the public hearing will be kept open until Thursday, September 13, 2007, and written comments will be accepted through 5:00 p.m. today. This hearing is now closed.”

Mr. Green was present to address the Board and stated that this situation has humbled him and he is looking forward to doing design work in Virginia if the Board allows him to retain his license previously issued in error.

File Number 2008-00855, Wendell T. Green

Regarding **File Number 2008-00855, Wendell T. Green**, the Board members reviewed the record of the Informal Fact Finding Conference, which consisted of the application file, transcripts and exhibits, the Summary of the Informal Fact-Finding Conference, and the presentation by Mr. Green.

Mr. Fauber moved to accept the Summary and Recommendation of the presiding Board member which recommends the following:

“Based upon the information presented at the conference, I recommend that Mr. Green be allowed to retain the Architect License and Business Entity Registration issued to him in error.

Mr. Green has now completed nine sections of the Architect Registration Examination, albeit in an extended time-frame and with a number of complicated and complicating circumstances along the way. He let his process lapse two years ago, thus leading to the previous IFF and Board action. Had he not let this lapse occur, he might have been able to proceed with the completion of the one missing section of the

ARE, in which case he would be licensed today. Although he understood the Board's action from 2006 requiring that he complete all nine sections (given changes in the examination and in the practice of architecture over the long period of his extended examination process), he had no reason to believe that the license was not valid and official from the moment more than a year ago when he received it. He has been practicing architecture as a licensed architect, calling himself an architect, incorporating and registering his business in the practice of architecture from the time he received his certificate from the Board's staff on July 18, 2006 up to the date that he received Mr. Courtney's letter of July 25, 2007 indicating the error made by Board staff.

"It is my opinion that the problems of process and sequence in this case merit special consideration. Yet even with these problems, they do not override my concern for the public's health, safety, or welfare. In my independent assessment of the facts of this case, I do not believe that there are any negative impacts in regards to health, safety and welfare. If there were, I would not be putting forward the recommendation noted above."

Mr. Clark seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Harris, Johnson, McAden, McIntyre, Renmark, Rinner, Spell, Stephenson, and Stiles. As the presiding Board member, Mr. Schwartz was not present during the presentation, discussion or vote.

Regarding **File Number 2007-02119, William Stuart Dunn**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Dunn. Mr. Stephenson moved to approve the Consent Order which cites the following violations of the Board's 2002 regulations: 18 VAC 10-20-370.C.4 (Count 1); and 18 VAC 10-20-370.D.2 (Count 2). For these violations, Mr. Dunn agrees to the following fines: \$250.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; as well as \$150.00 in Board costs. In addition, Mr. Dunn also agrees to attend a minimum of six (6) hour class and/or seminar on land boundary surveying practice and/or Virginia law and regulations, or another equivalent course approved by the Board. Mr. Dunn agrees to provide proof of attendance and successful completion of the above referenced course within six (6) months of the effective date of this Order. Mr. Dunn acknowledged that satisfactory completion of the above referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Harris, Johnson, McIntyre, Renmark, Rinner, Schwartz, Spell, Stephenson, and Stiles. As the reviewing Board member, Mr. McAden was not present during the discussion or vote.

**2007-02119 William
Stuart Dunn**

Regarding **File Number 2006-04492, David E. Delew**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Delew. Mr.

**File Number 2006-
04492, David E.**

Stephenson moved to accept the Consent Order which cites the following violations for the Board's 2002 regulations: 18 VAC 10-20-370.A (Count 1); 18 VAC 10-20-370.B (Count 2); 18 VAC 10-20-370.B (Count 3); 18 VAC 10-20-370.C.1 (Count 4); 18 VAC 10-20-370.C.1 (Count 5); 18 VAC 10-20-370.C.2 (Count 6); 18 VAC 10-20-370.C.2 (Count 7); 18 VAC 10-20-370.C.3.a (Count 8); 18 VAC 10-20-370.C.3.a (Count 9); 18 VAC 10-20-370.C.3.b (Count 10); 18 VAC 10-20-370.C.3.b (Count 11); 18 VAC 10-20-370.C.4 (Count 12); 18 VAC 10-20-370.D.1 (Count 13); 18 VAC 10-20-370.D.2.b (Count 14); 18 VAC 10-20-370.D.2.d (Count 15); 18 VAC 10-20-370.D.2.j (Count 16); 18 VAC 10-20-370.D.2.k (Count 17); 18 VAC 10-20-370.D.2.m (Count 18); 18 VAC 10-20-370.D.2.n (Count 19); 18 VAC 10-20-370.D.2.o (Count 20); 18 VAC 10-20-760.B.1 (Count 21); 18 VAC 10-20-760.B.2 (Count 22); and 18 VAC 10-20-760.B.2 (Count 23). For these violations Mr. Delew agrees to the following fines: \$500.00 for the violation contained in Count 1; \$125.00 for the violation contained in Count 2; \$125.00 for the violation contained in Count 3; \$125.00 for the violation contained in Count 4; \$125.00 for the violation contained in Count 5; \$125.00 for the violation contained in Count 6; \$125.00 for the violation contained in Count 7; \$125.00 for the violation contained in Count 8; \$125.00 for the violation contained in Count 9; \$125.00 for the violation contained in Count 10; \$125.00 for the violation contained in Count 11; \$250.00 for the violation contained in Count 12; \$250.00 for the violation contained in Count 13; \$250.00 for the violation contained in Count 14; \$250.00 for the violation contained in Count 15; \$250.00 for the violation contained in Count 16; \$100.00 for the violation contained in Count 17; \$100.00 for the violation contained in Count 18; \$500.00 for the violation contained in Count 19; \$500.00 for the violation contained in Count 20; \$250.00 for the violation contained in Count 21; \$125.00 for the violation contained in Count 22; and \$125.00 for the violation contained in Count 23; as well as \$150.00 in Board costs; for a total monetary penalty of \$4,850.00. In addition, for the violations of Counts 1 through 23, Mr. Delew also agrees to a two (2) year probation of his license from the effective date of this Order. During this two (2) year probation, Mr. Delew agrees to comply with the rules and regulations of the Board and revocation of his license if a valid complaint is filed against him. If the terms of this Order are violated, Mr. Delew agrees to the automatic revocation of his license. Mr. Delew also agrees to take and successfully complete an eight-hour course or seminar on the Board's Rules and Regulations and/or land boundary surveying within six (6) months of the effective date of this Order. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Harris, Johnson, McIntyre, Renmark, Rinner, Schwartz, Spell, Stephenson, and Stiles. As the reviewing Board member, Mr. McAden was not present during the discussion or vote.

Delew

After reviewing the application and Agreement for Registration, Mr. Johnson moved to accept the Agreement for Registration as seen and agreed to by Stewart & Connors Architects, PLLC. Mr. Clark seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and

Stewart & Connors
Architects, PLLC,
Agreement for
Registration

Stiles.

Mr. Stephenson disclosed that he is a member of the Tidewater Community College Engineering Program Advisory Board and believes he can be fair and impartial in reviewing this matter.

**Consideration of a
Board Approved
Land Surveyor
Program**

Mr. Christopher Cartwright, an Associate Professor at Tidewater Community College, was present to give the Board a brief presentation on the Tidewater Community College Land Surveyor Certificate Program for which he is seeking approval from the Board. The Board members were also provided with a course outline of the program. Ms. McIntyre moved to approve the Land Surveying Certificate Program at Tidewater Community College as a Board approved apprentice program pursuant to regulation 18 VAC 10-20-300.5. Ms. Rinner seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

The Board members were provided with the draft proposed regulations for continuing education and the proposed wording from the Architects, Professional Engineers, Interior Designers, Land Surveyors, and Landscape Architects Sections. After discussion, Ms. McIntyre moved that the last sentence of 18 VAC 10-20-683.C.1 should read as follows:

**Consideration of
Draft Proposed
Wording for
Continuing
Education
Requirements**

“The required continuing education credit hours may be in areas related to business practices including project management, risk management, and ethics, which have demonstrated relevance to the licensee’s area of practice as defined in Chapter 4 of Title 54.1 of the *Code of Virginia*.”

Ms. Rinner seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Ms. Stiles moved to adopt the proposed photogrammetry regulations. Ms. Stiles further moved to authorize staff, in conjunction with the Chair, to make any minor changes as necessary, on behalf of the Board, so that the regulations can be approved. Mr. Spell seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

After discussion, the Board members agreed that a practice in a host nation agreement would be the best approach for the Virginia Board in permitting Australian licensed professional engineers to practice in Virginia. The Board requested that staff prepare a draft agreement between *Engineers Australia* and Virginia for review at the next meeting.

**Discussion of
Request from
Engineers Australia**

Mr. Schwartz moved to approve the following meeting dates for 2008:

**Set 2008 Meeting
Dates**

ARCHITECTS

Tuesday, February 5, 2008
Tuesday, May 6, 2008
Tuesday, July 29, 2008
Tuesday, October 28, 2008

PROFESSIONAL ENGINEERS

Tuesday, February 12, 2008
Tuesday, May 13, 2008
Tuesday, August 5, 2008
Tuesday, November 4, 2008

LAND SURVEYORS

Wednesday, February 20, 2008
Wednesday, May 21, 2008
Wednesday, August 20, 2008
Wednesday, November 12, 2008

LANDSCAPE ARCHITECTS

Thursday, February 14, 2008
Thursday, May 15, 2008
Thursday, August 7, 2008
Thursday, November 6, 2008

INTERIOR DESIGNERS

Thursday, February 7, 2008
Thursday, May 8, 2008
Thursday, July 31, 2008
Thursday, October 30, 2008

APELSCIDLA BOARD

Wednesday, March 19, 2008
Wednesday, June 18, 2008
Wednesday, September 17, 2008
Wednesday, December 10, 2008

Mr. Fauber seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting.

**Comprehensive
Report of CID
Activity**

The Board members were provided with financial statements from July 2007 for informational purposes.

**Review of Board
Financial
Statements
Other Business**

Mr. Courtney shared a thank-you card from Brian Bluhm's family for the honorary Professional Engineer license the Board awarded their son.

The Board members were provided with an overview of the process the Department will follow in bringing cases to the Board pursuant to § 54.1-402.2 of the *Code of Virginia*.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 9:51 a.m.

Adjourn

Jay W. DeBoer, Secretary