

## ARCHITECTS SECTION MEETING

### MINUTES

The Architects Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on May 17, 2011, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

James R. Boyd  
J. Everette Fauber III  
Michael F. LeMay

Staff present for all or part of the meeting were:

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

Mr. Boyd, Chair, called the meeting to order at 9:04 a.m.

Call to Order

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

Emergency  
Evacuation  
Procedures

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

Approval of  
Agenda

Duncan Abernathy, of the Virginia AIA, was present to address the Section. Mr. Abernathy discussed suggested legislation the AIA presented to the joint legislative committee regarding amendments to §54.404.2 of the *Code of Virginia*. The AIA is proposing legislation that would allow the acceptance of an AIA transcript as verification of fulfilling the continuing education requirement.

Public Comment  
Period

Mr. Abernathy also presented suggested amendments to §54.1-111 of the Code of Virginia regarding unlicensed practice. The amendments would make it unlawful for a locality to issue a local business license for an occupation for which the applicant does not hold the proper professional license.

Ms. Nobsich introduced Mr. David Dorner and Mr. Jonathan Darden, of the Compliance & Investigation Division (CID). Section members expressed their concern that CID selected a non-architect member of the Board to review the Consent Order for Mr. Hunt, an architect. Mr.

File Number 2011-  
00814, Anthony  
Vann Hunt

Dorner explained that it was not a policy change, but as this case was disciplinary and did not require a technical review, staff enlisted a non-architect to review the case.

Mr. Fauber stated that the Section should have been notified, but understood the reasoning and thanked Mr. Dorner and Mr. Darden for attending the meeting and explaining the process. Mr. Fauber further explained that this would enable all of the Section members to be present for review of the Consent Order. Mr. Fauber recommended that the full board discuss the topic at the June 16, 2011 meeting. Mr. Dorner stated that CID will not have a board member review cases outside of their profession until further guidance is received from the Board.

Regarding File Number 2011-00814, Anthony Vann Hunt, the Section members reviewed the Consent Order as seen and agreed to by Mr. Hunt. Mr. LeMay moved to recommend the Board accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-750.C (Count 1). For this violation, Mr. Hunt agrees to the following monetary penalty: \$150.00 for the violation contained in Count 1 and Board costs in the amount of \$150.00, for a total of \$300.00. There was no second and the motion failed. Mr. Fauber moved to reject the Consent Order. Mr. Boyd seconded the motion which was approved by members: Boyd and Fauber. Mr. LeMay opposed the motion.

Ms. Perkins explained that the case will be remanded back for an Informal-Fact Finding Conference, with an architect member of the Board presiding.

Mr. Fauber moved to re-elect Mr. Boyd as Section Chair. Mr. LeMay seconded the motion which was unanimously approved by members: Boyd, Fauber and LeMay.

**Election of Section  
Chair**

Discussion was held on the Guidance Document on topographic surveys that was approved by the APELSCIDLA Board at its March 22, 2011 meeting. Ms. Nosbisch informed the Section that the Landscape Architect, PE and Land Surveyor sections discussed the document at their section meetings, as there had been a question regarding what is considered "general information" with regards to GIS mapping and USGS quad sheets, and whether these would need to be signed and sealed. Ms. Nosbisch stated that all affected sections of the board would review the guidance document.

**Review of  
Guidance  
Document on  
Topographic  
Surveys**

The LA Section determined that if GIS mapping or USGS quad sheets are used for general information purposes such as development of a site plan, they do not have to be signed and sealed. However, the topographic

survey of the site plan would need to be signed and sealed. The PE and Land Surveyor Sections concurred, and also added that a note would be needed on the topographic survey stating the source of the information. Ms. McIntyre suggested adding a number 4 under the 'Summary' segment stating that the source of the general information must be noted. The LA PE and LS sections also agreed to change verbiage in the last sentence of the document from "are in violation" to "may be in violation." The Architect Section agreed but discussed changing the verbiage from "surveys are in violation" to "surveys prepared pursuant to §54.1-402.C of the *Code of Virginia*, may be in violation." The revised Guidance Document will be presented to the full board for approval at its meeting June 16, 2011.

Discussion was held on continuing education requirements contained in the first resolution to be considered at the upcoming NCARB Annual meeting. Mr. Fauber reported that NCARB considering adding 12 hours of CE per calendar year to its Model Law. Ms. Nosbisch explained that as CE requirement for licensed professionals in Virginia is in statute, it would have to be changed through the legislature. Mr. Fauber stated that he agreed with the proposed NCARB resolution and that the AIA can assist in the change in statute with the suggested amendments Mr. Abernathy discussed during the public comment period.

#### NCARB Update

Ms. Nosbisch reviewed several articles and emails received from NCARB. She reported that Virginia Tech was awarded the \$25,000 NCARB Prize Grand Prize; Dennis Ward of South Carolina and Thomas Wood of Montana are running for NCARB Secretary; Michael J. Armstrong was recently named the new CEO of NCARB. Ms. Nosbisch, Mr. Boyd and Mr. LeMay will be attending the upcoming NCARB Annual meeting June 22-25 in Washington, DC. Mr. Fauber will also attend as a member of the NCARB Board of Directors.

Mr. Boyd provided an RFP form from the Department of General Services (DGS), which shows a category for unlicensed architect. Mr. Boyd requested a letter be sent, including the form, to Mr. Bert Jones, DGS.

#### Other Business

Discussion was held on 'emeritus status' of a licensee. The Section discussed the Board possibly providing a resolution to anyone who practiced in the profession who is 100 years old or older.

The Section recessed for lunch from 12:00 p.m. until 12:30 p.m.

#### Recess

Section members reviewed the resolutions to be presented at the NCARB Annual meeting, June 22-25, in Washington, DC. The Section supports all but one of the resolutions.


Review of NCARB Resolutions

Conflict of Interest forms were completed by all members present.

Conflict of Interest Forms


There being no further business, the meeting was adjourned at 1:20 p.m.

Adjourn



---

James R. Boyd, Chair



---

Gordon N. Dixon, Secretary

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Michael F. LeMay  
2. Title: Board Member  
3. Agency: Architects Section/APELSCIDLA Board  
4. Meeting/IFF Date: Section Meeting May 17, 2011  
5. I have a personal interest in the following transaction:

\_\_\_\_\_  
\_\_\_\_\_

Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_  
\_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Michael F. LeMay  
Signature

May 17, 2011  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: James R. Boyd  
2. Title: Board Member  
3. Agency: Architects Section/APELSCIDLA Board  
4. Meeting/IFF Date: Section Meeting May 17, 2011

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
\_\_\_\_\_

Nature of Personal Interest Affected by Transaction:

\_\_\_\_\_  
\_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

  
Signature

5/17/11  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: J. Everette "Ebo" Fauber, III  
2. Title: Board Member  
3. Agency: Architects Section/APELSCIDLA Board  
4. Meeting/IFF Date: Section Meeting May 17, 2011

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
\_\_\_\_\_

**Nature of Personal Interest Affected by Transaction:**

\_\_\_\_\_  
\_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

  
Signature

5-17-11  
Date