

PROFESSIONAL ENGINEERS SECTION MEETING

MINUTES

The Professional Engineers Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on August 1, 2011, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

**John L. Combs
Nico De León
Wiley V. Johnson, III**

Staff present for all or part of the meeting were:

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

No representative was present from the Office of the Attorney General.

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

Call to Order

Mr. Johnson reviewed the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Mr. Combs moved to approve the agenda. Mr. De León seconded the motion which was unanimously approved by members: Combs, De León, and Johnson.

**Approval of
Agenda**

There was no public comment.

Public Comment Period

Regarding File Number 2011-03350, K. Craig Manawes, the Section members reviewed the Consent Order as seen and agreed to by Mr. Manawes. The Section concurred with the recommendation of the presiding Board member. Mr. Combs 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 - two violations). For these violations, Mr. Manawes agrees to the following monetary penalty: \$200.00 for each of the violations contained in Count 1 and Board costs in the amount of \$150.00, for a total of \$350.00. Mr. Johnson seconded the motion which was unanimously approved by members: Combs and Johnson.

**File Number 2011-
03350, K. Craig
Manawes**

As the presiding board member, Mr. De León was not present for the discussion or vote.

Regarding **File Number 2011-02383, Robert Alan Walz**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Walz. The Section concurred with the recommendation of the presiding Board member. Mr. Combs moved to recommend the Board accept the Consent Order which cites the following violations of the Board's regulations: 18VAC10-20-750.B (Count 1); 18VAC10-20-750.C (Count 2); and 18VAC10-20-700.C (Count 3). For these violations, Mr. Walz agrees to the following monetary penalties: no monetary penalty for the violation contained in Count 1; \$150.00 for the violation contained in Count 2; \$250.00 for the violation contained in Count 3; and Board costs in the amount of \$150.00, for a total of \$550.00. Mr. Johnson seconded the motion which was unanimously approved by members: Combs and Johnson.

File Number 2011-02383, Robert Alan Walz

As the presiding board member, Mr. De León was not present for the discussion or vote.

Regarding **File Number 2011-03302, Kevin Richard Adams**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Adams. The Section concurred with the recommendation of the presiding Board member. Mr. De León moved to recommend the Board accept the Consent Order which cites the following violations of the Board's regulations: 18VAC10-20-750 (Count 1); 18VAC10-20-700.C (Count 2); 18VAC10-20-750.B (Count 3); and 18VAC10-20-750.C (Count 4). For these violations, Mr. Adams agrees to the following monetary penalties: \$150.00 for the violation contained in Count 1; \$500.00 for the violation contained in Count 2; \$150.00 for the violation contained in Count 3; \$150.00 for the violation contained in Count 4; and Board costs in the amount of \$150.00, for a total of \$1,100.00. Mr. Combs seconded the motion which was unanimously approved by members: Combs and De León.

File Number 2011-03302, Kevin Richard Adams

As the presiding board member, Mr. Johnson was not present for the discussion or vote.

Regarding **File Number 2011-03993, H.S. Hulme, Jr.**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcript, exhibits and the summary and recommendation of the presiding Board member. Mr. De León moved to recommend the Board accept the recommendation of the presiding Board member and grant a waiver for the 16 hours of required Continuing Education hours for the June 2008 to June 2010 time period, by reason of undue hardship. Mr. Combs seconded the motion which was unanimously

File Number 2011-03993, H.S. Hulme, Jr.

approved by members: Combs and De León.

As the presiding board member, Mr. Johnson was not present for the discussion or vote.

Regarding **File Number 2011-04896, Mostafa Sabbah**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the transcript, exhibits and the summary and recommendation of the presiding Board member. Mr. De León moved to recommend the Board accept the recommendation of the presiding Board member and approve Mr. Sabbah's application for reinstatement of his PE license. Additionally, Mr. Sabbah must complete and provide proof to the Board a minimum of sixteen (16) hours of continuing education within six (6) months of the date of reinstatement of his license. These sixteen (16) hours cannot count towards or be applied to the next renewal of his license. Mr. Sabbah will be required to complete the full sixteen (16) hours of continuing education for his renewal cycle. Mr. Combs seconded the motion which was unanimously approved by members: Combs and De León.

File Number 2011-04896, Mostafa Sabbah

As the presiding board member, Mr. Johnson was not present for the discussion or vote.

Regarding **File Number 2011-03336, Joel E. Whitley**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Whitley. The Section concurred with the recommendation of the presiding Board member. Mr. De León moved to recommend the Board accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-750.B (Count 1); and 18VAC10-20-750.C (Count 2). For these violations, Mr. Whitley agrees to the following monetary penalties: \$150.00 for the violation contained in Count 1; \$150.00 for the violation contained in Count 2; and Board costs in the amount of \$150.00, for a total of \$450.00. Mr. Johnson seconded the motion which was unanimously approved by members: De León and Johnson.

File Number 2011-03336, Joel E. Whitley

As the presiding board member, Mr. Combs was not present for the discussion or vote.

Regarding **File Number 2011-03342, Lawrence E. Bennett**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Bennett. The Section concurred with the recommendation of the presiding Board member. Mr. De León moved to recommend the Board accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-750.B (Count 1); and 18VAC10-20-750.C

File Number 2011-03342, Lawrence E. Bennett

(Count 2). For these violations, Mr. Bennett agrees to the following monetary penalties: no monetary penalty for the violation contained in Count 1; \$600.00 for the violation contained in Count 2; and Board costs in the amount of \$150.00, for a total of \$750.00. For the violation contained in Count 2, Mr. Bennett agrees to probation of his license to run concurrent with the probation term stipulated in the Final Order entered by the State of Florida Board of Professional Engineers on August 24, 2010. In addition, Mr. Bennett agrees to complete at least three (3) classroom hours of continuing education pertaining to ethics and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six (6) months of the effective date of this order. Mr. Johnson seconded the motion which was unanimously approved by members: De León and Johnson.

As the presiding board member, Mr. Combs was not present for the discussion or vote.

Regarding File Number 2011-03353, James Joseph Porebski, the Section members reviewed the Consent Order as seen and agreed to by Mr. Porebski. The Section concurred with the recommendation of the presiding Board member. Mr. De León moved to recommend the Board accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-750.B (Count 1); and 18VAC10-20-750.C (Count 2). For these violations, Mr. Bennett agrees to the following monetary penalties: no monetary penalty for the violation contained in Count 1; \$150.00 for the violation contained in Count 2; and Board costs in the amount of \$150.00, for a total of \$300.00. Mr. Johnson seconded the motion which was unanimously approved by members: De León and Johnson.

File Number 2011-03353, James Joseph Porebski

As the presiding board member, Mr. Combs was not present for the discussion or vote.

Regarding File Number 2011-00683, Russell Ross Smith, the section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcripts and exhibits, and Summary of the Informal Fact-Finding Conference. Mr. Combs recommended that the Board accept the Summary of the Informal Fact-Finding Conference which cites the following violation of the Board's regulations: 18VAC10-20-740.D (Count 1). Mr. De León seconded the motion which was unanimously approved by members: De León, Combs and Johnson.

File Number 2011-00683, Russell Ross Smith

Ms. Perkins informed the section that Mr. Smith had no prior violations. Mr. Combs moved to recommend that the Board accept the recommended

sanctions as contained in the Summary of the Informal Fact-Finding Conference: \$1,000 for the violation contained in Count 1; and probation of license until Mr. Smith submits evidence acceptable to the Board that he has completed at least two (2) classroom hours of continuing education pertaining to Virginia APELSCIDLA Board's regulations. If such evidence is not submitted to the Board within six (6) months of the effective date of this Order, Smith's license shall be suspended until evidence of course completion is received by the Board. Mr. De León seconded the motion which was unanimously approved by members: De León, Combs and Johnson.

Former board member Stanley Harris PE, was the presiding officer at the Informal Fact Finding Conference.

Ms. Nobsich updated the Section on the computer based testing (CBT) for engineer exams. The FE and FS exams will be the first CBT exams implemented; NCEES awarded the contract to Pearson Vue.

NCEES Update

Stefani Goodenow, Manager of the NCEES Credentials Evaluations Service, was present to address the Section. Ms. Goodenow discussed in detail the background of the evaluations service, processes they have in place for evaluating foreign credentials and recent changes that have been made.

Ms. Goodenow stated that the number of credits required has remained the same, but they have changed to a more objective accrediting system and that they no longer adhere to the ABET standard. NCEES utilizes the "Engineering Education Standard" which offers more course by course evaluation. Courses can now be moved to other categories to fulfill the requirements, for example, previously a class in Thermodynamics would be considered an engineering course, when it is truly a science course. Additionally, master's level courses can make up for deficiencies in undergraduate requirements.

Ms. Goodenow discussed the conversion of credits from a foreign degree, stating that European credits are usually equivalent to half of U.S. credits. Discussion was also held on the required documents for evaluations. Ms. Goodenow stated that NCEES requires that all documents come directly from the university. Documents are verified by various methods including: comparison to other documents from the university, ensuring address of university and signee of documents are credible.

Ms. Goodenow answered questions from section members and staff.

Ms. Nobsch informed the Section that three APELSCIDLA board members have been appointed. Mr. Clint Good, Architect, will be taking the seat vacated by Mr. J. Everette (Ebo) Fauber III; Mr. Patrick Leary, Land Surveyor, will be taking the seat vacated by Mr. W.R. Stephenson, Jr.; and Mr. Cabell Crowther, Landscape Architect, will be taking the seat vacated by Ms. Vaughn Rinner.

Other Business

Mr. Combs inquired about state agencies having unlicensed persons review plans and make changes. Mr. Johnson stated that the Board has confronted the issue in the past, and have written letters to specific agencies advising them of the Board's regulations and requesting they adhere to the regulations. Mr. Johnson asked that staff compile background information and readdress the topic at the November PE Section meeting, then bring to the full board for discussion at its December meeting.

Conflict of Interest forms were completed by all members present.

Conflict of Interest
Forms

There being no further business, the meeting was adjourned at 10:24 a.m.

Adjourn



Wiley V. Johnson III, 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: Nico De León
2. Title: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting August 1, 2011

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

None

Nature of Personal Interest Affected by Transaction:

None

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

Engineering

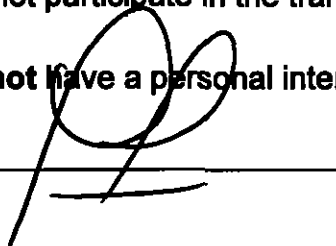
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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

Signature



Date

8/1/2011

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

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

1. Name: John L. Combs
2. Title: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting August 1, 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

Date

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

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

1. Name: Wiley V. "Bif" Johnson, III
2. Title: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting August 1, 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

8/1/11
Date