

**REGULATORY REVIEW COMMITTEE OF THE APELSCIDLA BOARD
MEETING MINUTES**

The Regulatory Review Committee of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on February 23, 2017, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following member present:

Chuck Dunlap (LS)
Carrie Langelotti (PE)
Andy Scherzer (LA)
Cameron Stiles (CID)
Mike Zmuda (LS)

Committee Chair, Bob Boynton was not present for the meeting.

Staff present for all or part of the meeting were:

Kathleen R. Nosbisch, Executive Director
Marian Brooks, Board Administrator
Bonnie Davis, Administrative Assistant

Agency staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Johnathan Darden, Director of Investigations – Central Operations

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

Ms. Stiles, Acting Chair, called the meeting to order at 9:30 a.m. Ms. Nosbisch stated Mr. Boynton sends his regrets.

Call to Order

Ms. Stiles reviewed the emergency evacuation procedures.

**Emergency Evacuation
Procedures**

Mr. Scherzer moved to approve the agenda. Mr. Zmuda seconded the motion which was unanimously approved by members: Dunlap, Langelotti, Scherzer, Stiles, and Zmuda.

**Approval of
Agenda**

Ms. Nosbisch read a letter from Mr. Taze Crowder, land surveyor, requesting that the path via experience remain available as an option for Land Surveyor licensure.

**Public Comment
Period**

Ms. Nosbisch introduced Mr. Darden, Director of Investigations Central Operations. She stated that Mr. Darden has some suggestions for the Board's regulations. It was noted that characterization of wastewater has to be performed by a professional engineer. Mr. Darden explained two cases where characterization of wastewater was an issue. He stated that the Board

Review of Regulations

drafted a Guidance Document that helped clarify residential wastewater. Committee members read from the regulations the definition of “residential wastewater” and agreed by consensus the definition is clear, and no changes should be made to the definition.

Ms. Nosbisch stated that this is the first time the Board has had a request to waive continuing education request indefinitely. The Board noted that the regulations are so flexible, there is no reason someone cannot meet the continuing education requirements. The Committee agreed by consensus that the regulations do not allow for an indefinite waiver and at the date of the licensee’s next renewal, the licensee could ask for a waiver at that time for consideration. The request for waiver will be reviewed at the full Board meeting on March 14, 2017.

The Committee reviewed NCARB’s comments on the regulations. “Direct control and supervision” when the person is working remotely was discussed. By consensus, the Committee agreed the definition is not limited to physical presence and no changes are being considered to the definition at this time.

The Committee discussed TOEFL. Ms. Nosbisch stated that the NCEES exam is only administered in English. If you pass the exam, you must have English knowledge. The Committee discussed changes to this regulation.

The Board recessed from 10:56 a.m. until 11:11 a.m. Mr. Darden excused himself from the meeting at recess.

The Committee tabled the NPSE Comment on Regulations and determined the item will be revisited at the Professional Engineers Section meeting of the Regulatory Review Committee, date to be determined.

The regulations are silent on working from home. The Committee agreed by consensus no changes are required in existing regulation.

Ms. Nobisch reported the NOIRA has been filed and it is in process. The Governor has signed it, and it is in the first phase of the process.

The Committee agreed by consensus to revisit the experience requirement at its next meeting.

The Land Surveyor Section reviewed regulation 18VAC10-20-340 Experience Standards at its meeting on February 15, 2017. At that meeting, the Land Surveyors determined that experience shall be under the direct control and personal supervision of a licensed land surveyor and experience must be verified by a licensed land surveyor.

Other Business

Request for CE Requirements Waiver

NCARB Comments on Regulations

Recess

NSPE Comment on Regulations

Clarification of Work from Home

NOIRA Update

Interpretation of 18VAC10-20-240 Experience

Definition of Resident Land Surveyor Appeal

The Committee determined that a business entity must have a Virginia business entity registration and a licensed Virginia professional to do work in Virginia. The resident must be in that office a majority of the time.

**Responsible Person for
Business Entity
Registration**

An email from Michael Leedom, DPOR Compliance Manager, suggested moving regulation 18VAC10-20-750.A Good Standing to 18VAC10-20-790 Sanctions. A regulant who is fined in another jurisdiction is still in good standing if no action is taken against his license. The regulant would still have to report the action under 18VAC10-20-750.B but there is no indication that action may be taken. The Committee discussed the change and requested staff to draft the new language.

**Suggested
Recommendations**

Ms. Nosbisch received an email from John Palatiello, Executive Director, Virginia Association of Surveyors, stating VAS adopted a motion to request the APELSCIDLA Board to enhance regulations in favor of formal education for licensed land surveyors. The Committee discussed the Land Surveyor education requirements. Mr. Scherzer asked what are adjoining states education and experience requirements. Staff will provide the information at the next Regulatory Review Committee meeting.

VAS Update

Ms. Nosbisch stated the information from Virginia § 13.1-543 Definitions was for informational purposes only.

**Professional
Corporations
Definition**

Ms. Nosbisch presented the Decoupling Summary from NCEES.

Decoupling Summary

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 12:50 p.m.

Adjourn



Cameron Stiles, Section Chair



Jay W. DeBoer, Secretary

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

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

1. Name: Charles F. Dunlap
2. Title: Board Member
3. Agency: Land Surveyors Section/APELSCIDLA Board
4. Meeting/IFF Date: APELSCIDLA Board Meeting February 23, 2017

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

Nature of Personal Interest Affected by Transaction:

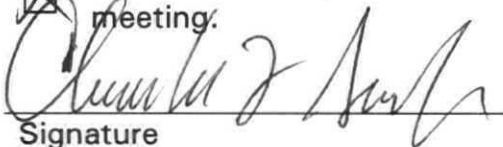
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

2/23/17
Date

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

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

- 1. Name: Carrie Langelotti
- 2. Title: Board Member
- 3. Agency: Professional Engineers Section/APELSCIDLA Board
- 4. Meeting/IFF Date: APELSCIDLA RRC Meeting February 23, 2017

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

2/23/17
Date

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

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

1. Name: Andrew M. Scherzer
2. Title: Board Member
3. Agency: Landscape Architects Section/APELSCIDLA Board
4. Meeting/IFF Date: APELSCIDLA RRC Meeting February 23, 2017

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 AMS

Date 2/23/17

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

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

- 1. Name: Cameron Stiles
- 2. Title: Board Member
- 3. Agency: Interior Designers Section/APELSCIDLA Board
- 4. Meeting/IFF Date: APELSCIDLA RRC Meeting February 23, 2017

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: Mike Zmuda
- 2. Title: Board Member
- 3. Agency: Land Surveyors Section/APELSCIDLA Board
- 4. Meeting/IFF Date: APELSCIDLA RRC Meeting February 23, 2017

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

 N/A

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

 2/23/17
Date