

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 May 11, 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 9:00 a.m.

Call to Order

Mr. Johnson reviewed the emergency evacuation procedures.

Emergency Evacuation
Procedures

Mr. De León moved to approve the agenda as amended. Mr. Combs 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

Mr. Kenneth J. O'Connell and Mr. Willcox Dunn, counsel for Mr. O'Connell, were present. Mr. Dunn stated that they did not wish to speak, but were present if the Section had any questions for Mr. O'Connell.

File Number 2010-
05024, Kenneth Jude
O'Connell

Regarding File Number 2010-05024, Kenneth Jude O'Connell, 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. De León recommended that the Board accept the Summary of the Informal Fact-Finding Conference which recommends that the file be closed with a

finding of no violation. Mr. Combs seconded the motion which was unanimously approved by members: Combs, De León and Johnson.

Mr. Sparks was present, stating that he was available to answer any questions the Section may have.

File Number 2011-03860, Jeffrey Allen Sparks

Regarding File Number 2011-03860, Jeffrey Allen Sparks, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits and the summary and recommendation of the presiding Board member. Mr. Combs moved to recommend the Board accept the recommendation of the presiding Board member and approve Mr. Sparks to sit for the PE examination. Mr. De León seconded the motion which was unanimously 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 2011-03905, James Mehlretter, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits and the summary and recommendation of the presiding Board member. Mr. Combs moved to recommend the Board accept the recommendation of the presiding Board member and approve Mr. Mehlretter's application for reinstatement. Mr. De León seconded the motion which was unanimously approved by members: Combs and De León.

File Number 2011-03905, James Mehlretter

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

Regarding File Number 2011-03953, Thomas Crowther, 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. Combs moved to recommend the Board accept the recommendation of the presiding Board member and approve the extension of time to obtain required Continuing Education hours, by reason of undue hardship. Mr. De León seconded the motion which was unanimously approved by members: Combs and De León.

File Number 2011-03953, Thomas Crowther

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

Regarding File Number 2011-03954, Arthur L. Woods III, 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. Combs moved to recommend the Board accept the recommendation of the presiding Board member and approve the extension of time to obtain required Continuing Education hours and waiver of 0.5 hours, by reason of undue hardship. Mr. De León seconded the motion which was unanimously approved by members: Combs and De León.

File Number 2011-03954, Arthur L. Woods III

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

Regarding File Number 2011-04029, Darryl Rosario, 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. Combs moved to recommend the Board accept the recommendation of the presiding Board member and deny the extension of time to obtain required Continuing Education hours, by reason of undue hardship and deny renewal of Mr. Rosario's license. Mr. De León seconded the motion which was unanimously approved by members: Combs and De León.

File Number 2011-04029, Darryl Rosario

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

Regarding File Number 2011-03903, Ahmad Golgiri, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits and the summary and recommendation of the presiding Board member. Mr. Combs moved to recommend the Board accept the recommendation of the presiding Board member and approve Mr. Golgiri to sit for the PE examination. Mr. De León seconded the motion which was unanimously approved by members: Combs and De León.

File Number 2011-03903, Ahmad Golgiri

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

Regarding File Number 2011-01617, Ali Abolhassani, the Section members reviewed the Consent Order as seen and agreed to by Mr. Abilhassani. 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.C (Count 1). For these violations, Mr. Abolhassani agrees to the following monetary penalty: \$200.00 for the

File Number 2011-01617, Ali Abolhassani

violation contained in Count 1 and Board costs in the amount of \$150.00, for a total of \$350.00. Mr. Combs seconded the motion which was unanimously approved by members: Combs, Johnson and De León.

Regarding File Number 2011-02439, Chander P. Nangia, the Section members reviewed the Consent Order as seen and agreed to by Mr. Nangia. 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) and 18VAC10-20-750.C (Count 2). For these violations, Mr. Nangia agrees to the following penalty: 6 violations at \$2,500.00 each, for a total of \$15,000.00 for the violations contained in Count 1; 11 violations at \$500.00 each for a total of \$5,500.00 for the violations contained in Count 2; and Board costs in the amount of \$150.00, for a total of \$20,650.00. In addition, for the violations contained in Count 1, Mr. Nangia agrees to revocation of his license. The Board shall waive imposition of the \$15,000.00 monetary penalty for Count 1 and shall waive the imposition of the \$5,500.00 monetary penalty for Count 2. Mr. De León seconded the motion which was unanimously approved by members: Combs, Johnson and De León.

File Number 2011-02439, Chander P. Nangia

Regarding File Number 2011-03908, James Charles Carter II, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits and the summary and recommendation of the presiding hearing officer. Mr. De León moved to recommend the Board accept the recommendation of the presiding hearing officer and approve Mr. Carter to sit for the PE examination. Mr. Combs seconded the motion which was unanimously approved by members: Combs, Johnson and De León.

File Number 2011-03908, James Charles Carter II

Regarding File Number 2011-03907, Lars Peterson, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits and the summary and recommendation of the presiding hearing officer. Mr. Combs moved to recommend the Board accept the recommendation of the presiding hearing officer and approve Mr. Peterson to sit for the EIT examination. Mr. De León seconded the motion which was unanimously approved by members: Combs, Johnson and De León.

File Number 2011-03907, Lars Peterson

Regarding File Number 2011-04015, Joshua Michael Royce, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits and the summary and recommendation of the presiding Board member. Mr. Combs moved to recommend the Board accept the recommendation of the presiding hearing officer and approve Mr. Royce's application for

File Number 2011-04015, Joshua Michael Royce

licensure. Mr. De León seconded the motion which was unanimously approved by members: Combs, Johnson and De León.

Regarding File Number 2011-05757, Owen B. Yumang, the Section members reviewed the record of the Agreement for Licensure and the recommendation of the presiding hearing officer. Mr. Combs moved to recommend the Board accept the recommendation of the presiding hearing officer and approve the waiver of 8 hours of Continuing Education and the extension of time to obtain the remaining 8 hours of Continuing Education by reason of undue hardship. Mr. De León seconded the motion which was unanimously approved by members: Combs, Johnson and De León.

File Number 2011-05757, Owen B. Yumang

Mr. De León moved to have Mr. Johnson remain as Section Chair. Mr. Combs seconded the motion which was unanimously approved by members: Combs and De León. Mr. Johnson abstained from voting.

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. Nobsch informed the Section that the Landscape Architect section discussed the document at its May 3 section meeting, 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. Nobsch 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 Section concurred, and also added that a note would be needed on the topographic survey stating the source of the information. Mr. Courtney suggested *changing verbiage in the last sentence of the document from "are in violation" to "may be in violation."* The Section agreed by consensus.

Mr. Johnson gave a report from the NCEES Southern Zone meeting that he attended in April. Mr. Johnson addressed members of the Southern Zone regarding the possible rezoning of Virginia from the Northeast Zone to the Southern Zone. Mr. Johnson explained that Virginia has more in common with the Southern Zone, especially as a member of the Colonial States Board of Surveyor Registration. Discussion was held on the rezoning process. Ms. Nobsch explained that, if approved, the change would not take place until after the 2012 NCEES Annual Meeting.

NCEES Update

Ms. Nobsch reported that she and Mr. Johnson would be attending the NCEES Northeast Zone meeting May 19-21, in Annapolis, Maryland.

Additionally, Mr. Stanley Harris, Professional Engineer and former APELSCIDLA Board member, will be receiving the ENNY Award at the Northeast Zone meeting for distinguished service.

Ms. Nosbisch informed the Section that correspondence was received from the Society for Mining, Metallurgy & Exploration expressing their opposition to the BS+30 proposed or masters equivalent proposed by NCEES. Discussion was held on the reasons NCEES will be adding this requirement to their Model Law.

Ms. Nosbisch reported that Dan Parker, from the Washington State Board of Registration for Professional Engineers and Land Surveyors, is running for NCEES Treasurer.

Ms. Nosbisch provided the Section with April exam statistics.

Other Business

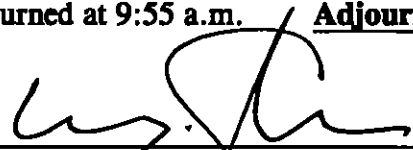
Ms. Nosbisch informed the Section that JMU has been approved as an exam location and would be administering exams beginning in October 2011.

Conflict of Interest forms were completed by all members present.

Conflict of Interest
Forms

There being no further business, the meeting was adjourned at 9:55 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 May 11, 2011

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

_____ None _____

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:

_____ 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 _____

5/11/11

**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 May 11, 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.

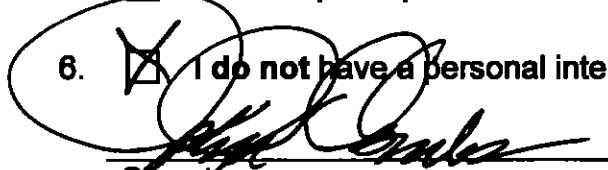
or

I did not participate in the transaction.

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

Signature

Date



5/11/11

**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 May 11, 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

5/11/11
