

**VIRGINIA DEPARTMENT OF TRANSPORTATION AND  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS  
MEETING MINUTES**

The Virginia Department of Transportation (VDOT) and the Professional Engineers and Land Surveyors of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on February 1, 2018, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following Section members present:

Vickie Anglin (LS)  
Jim Kelly (PE)  
Chris Stone (PE)  
Mike Zmuda (LS)

Board staff present for all or part of the meeting was:

Kathleen R. (Kate) Nosbisch, Executive Director  
Bonnie Davis, Administrative Assistant

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

Representatives from Virginia Department of Transportation (VDOT):

Garrett Moore, Chief Engineer (PE)  
Mohammad Mirshahi, Deputy Chief Engineer (PE)  
Richard Walton, Chief of Policy  
Kerry Bates, Construction (PE)  
Kendal Walus, Structure and Bridge (PE)  
Shailendra Patel, Alternative Project Delivery (PE)  
Susan Keen, Location and Design (PE)  
S. Michael Westermann, Assistant Attorney General to VDOT

Members of the Public:

Byron Coburn, PE, AMT Consulting Engineers, ACEC Virginia  
George Dahl, VSPE STEM and Educational Outreach Lead for Tidewater/Hampton Roads  
Chapter

Mr. Kelly called the meeting to order at 10:30 a.m.

**Call to Order**

Mr. Kelly welcomed the VDOT guests. VDOT employees and the Board members introduced themselves.

**Welcome and  
Introductions**

Mr. Kelly advised the meeting attendees of the emergency evacuation procedures.

**Emergency  
Evacuation  
Procedures**

Mr. Stone moved to approve the agenda. Mr. Zmuda seconded the motion which was unanimously approved by members: Anglin, Kelly, Stone and Zmuda.

**Approval of Agenda**

Mr. Byron Coburn, PE, with AMT Consulting Engineers was present to address the Board. He stated that VDOT is a major client of his.

**Public Comment**

Mr. Mirshahi arrived to the meeting at 10:33 a.m.

**Arrival of VDOT  
Guest**

Mr. Stone stated the Board is concerned with how VDOT defines a Responsible Charge Engineer (RCE) because the definition is in violation on the APELSCIDLA Regulations. The other issue involves the industry. What if an individual is not an employee of the design build, but a subcontractor; he cannot carry the required insurance.

**Responsible Charge  
Engineer**

Mr. Stone stated he is concerned with the professional responsibility. This person could be in conflict with the Board's regulations. He stated that sometimes the terms Responsible Charge Engineer and Engineer in Responsible Charge get confused.

Mr. Moore stated that the reason for the RCE is to ensure someone is ultimately accountable for the project. Mr. Moore stated he understands the concerns regarding the title and this person being an employee versus a contracted individual.

Ms. Nosbisch stated that any proposed language would need to be taken to the full Board meeting on March 20, 2018 to be voted upon. The group reviewed 18VAC10-20-740. Professional Responsibility and 18VAC10-20-760 Sign and Sealing Requirements.

Mr. Mirshahi stated that the same issue is occurring in other states (Georgia, Maryland, and Colorado). VDOT will provide the Colorado RCE language.

Mr. Westermann noted that we are talking about two separate things. VDOT is concerned about contractual responsibility. APELSCIDLA is concerned about professional responsibility. He suggested that VDOT take out the professional responsibility, but we still need a professional.

Ms. Nosbisch stated that although VDOT is concerned with contractual responsibility and the APELSCIDLA Board is concerned with professional responsibility, at the end of the day, both agencies are concerned with protecting the health, safety and welfare of the public.

Mr. Moore thanked the Board for meeting with VDOT, and stated VDOT will draft the new language and send it one week prior to the next meeting scheduled for March 2, 2018 and the results of that meeting will be taken to the full Board on March 20, 2018.

Mr. Patel stated that with a design builder, the packages come in separately, and someone needs to compile the packages, and sign them. He stated maybe the intent was misunderstood.

**Sign / Seal Record Drawings**

Ms. Nosbisch indicated Mr. DeBoer, Ms. Langelotti, and Ms. Peay extended their regrets about not being able to attend the rescheduled meeting.

There was no other business.

**Other Business**

Conflict of Interest form was completed.


**Conflict of Interest Forms**

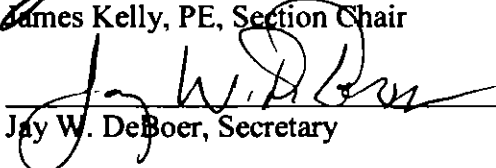
12:06 p.m. to 12:16 p.m.

**Recess**

There being no further business, the meeting was adjourned at 12:16 p.m.

**Adjourn**

  
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James Kelly, PE, 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: Vickie Anglin  
2. Title: Board Member  
3. Agency: Land Surveyors Section/APELSCIDLA Board  
4. Meeting/IFF Date: VDOT/PE-LS Meeting, February 1, 2018

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

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Nature of Personal Interest Affected by Transaction:

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

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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

V. M. Anglin

Date

2-1-18

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

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

1. Name: James Kelly
2. Title: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: VDOT/PE-LS Meeting, February 1, 2018

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

2/1/18  
\_\_\_\_\_  
Date

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

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

1. Name: Christopher Stone
2. Title: Board Member
3. Agency: Professional Engineers Section/APELSCIDLA Board
4. Meeting/IFF Date: VDOT/PE-LS Meeting, February 1, 2018

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:

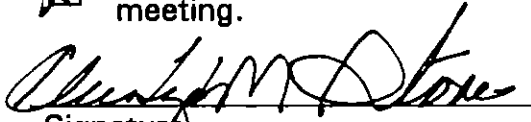
\_\_\_\_\_

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: Michael W. Zmuda
2. Title: Board Member
3. Agency: Land Surveyors Section/APELSCIDLA Board
4. Meeting/IFF Date: VDOT/PE-LS Meeting, February 1, 2018

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

N/A

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Nature of Personal Interest Affected by Transaction:

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

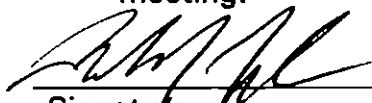
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I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

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

  
Signature

2/1/18  
Date