

LAND SURVEYORS SECTION MEETING

MINUTES

The Land Surveyors Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on August 20, 2008, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

John R. McAden
Nancy E. McIntyre
W. R. Stephenson, Jr.

Staff present for all or part of the meeting were:

Mark N. Courtney, Deputy Director of Licensing and Regulation Division
Kathleen "Kate" R. Nobsch, Executive Director
Douglas Schroder,
Marian H. Brooks, Program Administrator
Earlyne Perkins, Legal Analyst
Michelle Gowen, Administrative Assistant

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

Ms. McIntyre, Chair, called the meeting to order at 9:00 a.m.

Call to Order

Mr. Stephenson moved to approve the agenda as amended. Mr. McAden seconded the motion which was unanimously approved by members: McAden, McIntyre, and Stephenson.

Approval of
Agenda

Public Comment Period - No comments were made to the Section members.

Public Comment

Regarding **File number 2008-02330, C. Phil Wagoner**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Wagoner. Mr. McAden moved to recommend that the Board accept the Consent Order which cites the following violations of the Board's regulations: 18 VAC 10-20-750.A (Count 1); and 18 VAC 10-20-750.C (Count 2). For these violations Mr. Wagoner agrees to pay Board costs in the amount of \$150.00. In addition, Mr. Wagoner agrees to the suspension of his license until such time as the North Carolina Board of Examiners for Engineers and Land Surveyors either reinstated his license or declares him eligible for reinstatement. Further, Mr. Wagoner agrees that once he becomes eligible for reinstatement by the NC Board and provides proper

File Number
2008-02330, C.
Phil Wagoner

documentation of such to the Virginia Board, Mr. Wagoner will then be eligible to reinstate his Virginia license. Mr. Wagoner agrees to pay any fees associated to the reinstatement of his license and to provide the Virginia Board with documentation of continuing education hours taken, if required by the Board at the time of reinstatement. Ms. McIntyre seconded the motion which was unanimously approved by members: McAden and McIntyre. Mr. Stephenson was not present during the discussion or vote.

Mr. Stephenson discussed several of the topics of interests that were discussed at the NCEES Annual Meeting which included the BS+30; the possibility of an engineer practice examination; computer based examinations; and the resolution written on the request for the division of the governance of land surveyors and professional engineers within NCEES. Mr. Stephenson also discussed the Colonial States Boards of Surveyor Registration meeting. He noted that states previously not included now want to be included in order to receive the photogrammetry examination. Mr. Stephenson stated that Alabama was voted in at the Colonial States meeting.

**Report from
NCEES Annual
Meeting**

Mr. Stephenson discussed the upcoming NCEES Zone meeting to be held in Norfolk, Virginia, which the Virginia Board will be hosting. The Section discussed with staff the responsibilities and the need for assistance in preparation for the meeting as well as assistance needed at the meeting.

**Review of
Information
from NCEES**

Mr. Stephenson moved to adopt the following 2009 meeting dates for the Land Surveyor Section:

**Consideration of
Proposed 2009
Meeting Dates**

Wednesday, February 18, 2009, Board Room 3;
Wednesday, May 20, 2009, Board Room 3;
Wednesday, August 19, 2009, Board Room 4; and
Tuesday, November 17, 2009, Board Room 3.

Mr. McAden seconded the motion which was unanimously approved by members: McAden, McIntyre, and Stephenson.

The Section members were provided with the summary of comments on the proposed continuing education regulations for review. Ms. Nosbisch noted that the APELSCIDLA Board will be asked to review these comments as well as the draft response at their September 17th meeting.

**Review
Summary of
Comments on
Proposed
Continuing
Education
Regulations**

Ms. McIntyre requested that some clarification be given to the Section on times it is appropriate to hold an Informal Fact-Finding Conference and when it is appropriate for a Consent Order to be offered. Mr. Schroder provided an overview of the processes followed by the Compliance and Investigation Division and also provided the Section members with a list of questions which are reviewed for each land surveyor case.

Other Business

The Section members took a break from 10:12 a.m. to 10:28 a.m.

Break

At 10:29 a.m., Mr. Stephenson moved that the meeting be recessed and that the Section immediately reconvene in closed meeting for the purpose of consultation and/or briefings by staff members pertaining to examination issues within the jurisdiction of the Board as permitted by § 2.2-3711.A.11 of the *Code of Virginia*. The following non-members will be present in attendance to reasonably aid the consideration of the topic: Toni Robinson. This motion was made with respect to the matters identified as agenda item 11, Closed Meeting, Review of Examination. Mr. McAden seconded the motion which was unanimously approved by members: McAden, McIntyre, and Stephenson.

Closed Meeting

At 11:25 a.m., Mr. Stephenson moved to adjourn the closed meeting and to immediately reconvene in open meeting. Mr. McAden seconded the motion which was unanimously approved by members: McAden, McIntyre, and Stephenson.

Open Meeting

CERTIFICATION OF CLOSED MEETING

**Certification of
Closed Meeting**

WHEREAS, the Land Surveyors Section of the APELSCIDLA Board has convened a closed meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by the Land Surveyors Section of the APELSCIDLA Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Land Surveyors Section of the APELSCIDLA Board hereby certifies that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in the closed meeting to which the certification applies, and (II) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Land Surveyors

Section of the APELSCIDLA Board.

VOTE: 3-0
AYES: McAden, McIntyre, Stephenson
NAYS: 0
ABSENT FROM MEETING: 0

Conflict of Interest forms were completed by all members present.

Conflict of
Interest Forms

There being no further business, the meeting was adjourned at 11:30 a.m.

Adjourn



Nancy E. McIntyre, 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: Nancy E. McIntyre
2. Title: Board Member
3. Agency: Land Surveyors Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting August 20, 2008

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:

LAND SURVEYORS

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.

Nancy E. McIntyre
Signature

8/20/08
Date

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

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

1. Name: W. R. "Steve" Stephenson, Jr.
2. Title: Board Member
3. Agency: Land Surveyors Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting August 20, 2008
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:

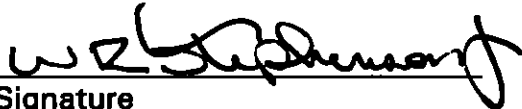
I am able to participate in this transaction fairly, objectively, and in the public interest.

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

8-20-2008

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

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

1. Name: John R. McAden
2. Title: Board Member
3. Agency: Land Surveyors Section/APELSCIDLA Board
4. Meeting/IFF Date: Section Meeting August 20, 2008

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.

John R. McAden
Signature

8-20-08
Date