

VGIN Advisory Board Meeting

Tuesday, July 12, 2016

10:00 AM, CESC

Minutes

MEMBERS PRESENT	Delegate Richard Anderson	John Palatiello
	Senator David Suetterlein	Doug Richmond
	Delegate Lashrecse Aird	Murali Rao for VDOT Commissioner
	Sunny Sanders for VEDP Director	Jeffrey Adamchek for Charles Donato
	Delegate Scott Lingamfelter	Connie Brennan
	Elaine Roop	Senator Adam Ebbin
	Nelson Moe	Dr. Hua Liu
MEMBERS ABSENT:	Clyde Cristman	Delegate James Leftwich
		Christopher Knights
STAFF PRESENT:	Dan Widner, Coordinator	April Branton
	Steve Marzolf, ISP Director	Michael Vojta
	Dorothy Spears-Dean, PSC Coordinator	
	Terry Mayo, Board Assistant	

1. **CALL TO ORDER**

In the absence of a Chairperson, Steve Marzolf called the meeting of the VGIN Advisory Board to order at 10:04 AM. Mr. Marzolf informed the Advisory Board that they have some new Advisory Board members at the table. Mr. Marzolf asked everyone to introduce themselves.

2. **VGIN ADVISORY BOARD CHAIR/VICE CHAIR ELECTIONS**

Report of the Nominating Committee: Dan Widner, Coordinator, went over the Minutes of the Nominating Committee to elect a Chairman and Vice-Chairman of the Advisory Board. The meeting was held on March 14, 2016 at the Commonwealth Enterprise Solutions Center. The Committee recommended that Delegate Richard Anderson be nominated as

Chairman, and Mr. Christopher Knights as Vice-Chairman of the VGIN Advisory Board. Mr. Marzolf then called for a vote on the recommendation of the Nominating Committee that Delegate Anderson become the Chairman of the VGIN Advisory Board. Mr. Richmond made the motion to accept the Nominating Committee's recommendation, and Senator David Suetterlein 2nd the motion to approve. All approved; **13-0-0** (Dr. Hua Liu had not yet arrived). Mr. Marzolf then called for a motion to approve the Nominating Committee's recommendation that Mr. Christopher Knights become the Vice-Chairman of the VGIN Advisory Board. Delegate L. Scott Lingamfelter made the motion to approve the Nominating Committee's recommendation that Mr. Christopher Knights become the Vice-Chairman of the VGIN Advisory Board, and Mr. John Palatiello 2nd the motion. The motion was approved; **13-0-0** (Dr. Liu had not yet arrived).

Chairman Richard Anderson then assumed his seat as the Chairman of the VGIN Advisory Board.

Chairman Anderson then called for the approval of the Minutes of January 5, 2016. Mr. Douglas Richmond made a motion that the Minutes of January 5, 2016 be approved. Delegate Lashrece Aird 2nd the motion for approval. The Minutes of January 5, 2016 were approved; **13-0-3** (Dr. Hua had not yet arrived; and Senators Suetterlein, Ebbin and Delegate Lingamfelter all abstaining).

3. STATEWIDE LAND COVER DATA DEVELOPMENT

Dan Widner introduced Jennifer Ellsworth of WorldView Solutions to the Advisory Board, and said that Worldview is the primary contractor on this project. Ms. Ellsworth gave a presentation on the Land Cover project which is collaboration between DEQ, VGIN and Worldview (see VGIN Board website for presentation). She went over the data development effort and possible use cases for the product. Ms. Ellsworth said that there were several partners who collaborated to develop the classification needs for the product, including DEQ, DCR and Hampton Regional Planning District. Ms. Ellsworth also referred the Advisory Board to the link on the VGIN website where they can access the data. Chairman Anderson called for questions from the Advisory Board. Senator Ebbin asked if there were plans to maintain the data in the future and if so, how long will it take to receive the newer/updated product. Ms. Ellsworth said that this was a one-time effort. Delegate Lingamfelter stated that Ms. Ellsworth's presentation was very informative, and would like to request that this information be presented to the Chesapeake Bay Commission for which he is the Chairman. He also said that this information is vital for the state's agricultural Best Management Practices (BMPs). Delegate Lingamfelter then asked if an analysis of stream banking was possible, to define stream banking exclusions. Ms. Ellsworth said that yes, most definitely and that they are actually looking at this for DEQ and DCR.

John Palatiello also commended Worldview on the presentation. He said you can see the difference in resolution between this product (1 meter) and 30 meter National Land Cover Dataset – NLCD). Mr. Palatiello asked why the 1 meter resolution was important, and Ms. Ellsworth said it was due to the need to estimate nutrient loads. He then asked if staff have a strategy to repeat this. Mr. Widner said that at present staff does not, and it is because the legislation authorizing the project did not include maintenance funding. Mr. Widner said that the funding came from the Water Quality Improvement Fund. Mr. Palatiello then asked why NOAA is not included in the list of collaborators. Mr. Widner said that they are represented through the Chesapeake Bay Program out of Annapolis. Mr. Murali Rao asked if the data was time stamped. Ms. Ellsworth said that yes it is through the metadata and also correlates to the VBMP imagery collection cycles. Dr. Hua Liu suggested that a project strategy be identified to suggest to the public how they can work with the two types of data sets (NLCD and the Virginia Land Cover). Chairman Anderson asked for additional questions, and there were none.

4. **ORTHOPHOTOGRAPHY PROCUREMENT AND LICENSED LAND SURVEYOR DISCUSSION**

Chairman Anderson informed the Advisory Board that it was asked by the Virginia Association of Surveyors (VAS) to put this item on the Agenda. He then directed the Advisory Board to Mr. Douglas Richmond. Mr. Richmond addressed the Advisory Board and passed out a talking points hand out listing the VAS's concerns. Mr. Richmond informed the Advisory Board that the VAS President Michael Starling was present at the meeting. Mr. Widner projected the letter from the VAS (VGIN Board web page) for everyone to see. Mr. Richmond said that VAS there is a difference between how VGIN and VAS were interpreting Virginia Code that defines "Land Surveying." Chairman Anderson called for questions from the Advisory Board. Senator Ebbin commented that the interpretation should be addressed through an opinion from the Attorney General. Delegate Lingamfelter asked for clarification from Mr. Richmond on the concerns. He asked Mr. Richmond if he was concerned that surveyors were being excluded. Mr. Richmond said it is not a pocket book issue; it is for the public health, and safety to the public. Delegate Lingamfelter asked for an example of how this would be an issue of safety to the public. Mr. Richmond said that if a house is built in a flood plain area using the VGIN data and it turns out that it is in a flood plain area then the public is at risk. Mr. Richmond's group feels that the data should be provided by a "licensed Land Surveyor". Delegate Lingamfelter asked if there was a difference is if it were done digitally or on the surveyed on the ground. Mr. Richmond said regardless of the methods used, it is the level of accuracy. Delegate Lingamfelter asked if there is a specific legislative remedy that VAS would like to see. Mr. Richmond said they are seeking better definition through the Code of Virginia. Delegate Lingamfelter asked if the concern was that a user will not get a licensed surveyor. Mr.

Palatiello said no. Delegate Lingamfelter noted that costs are an issue for localities. Mr. Palatiello stated that perhaps the Virginia Attorney General needs to be brought in to sort out the differences. Delegate Lingamfelter noted that there is an analytical piece not involving surveying that is needed for policy determinations. Mr. Palatiello then asked about the RFP in motion. Mr. Marzolf said that he cannot comment on the active procurement at this time, as it is not appropriate, but that we can discuss the use of the data. He said that the funding of this project is solely provided by the E911 Service Board. The imagery provides context and that is the driving focus. Mr. Widner addressed the use of the allowable disclaimer and showed the Advisory Board the many ways that this is accomplished (website, metadata, verbal communication etc.). Mr. Palatiello and Mr. Marzolf both gave examples of use in public safety and both disagreed with each other. Chairman Richard Anderson then asked for the desire of the Advisory Board on the issue. Delegate Lingamfelter suggested that the Chairman draft a letter to the Attorney General, and that the Advisory Board does not need an official recommendation, but that the Chairman can seek an opinion. Senator Ebbin commented that a clarification of what the Advisory Board is asking should be made before seeking the Attorney General's opinion. Murali Rao said that the Board was discussing two different perspectives: the first was about data collection and the second was the use of the data. He proceeded to say that from an information technology perspective, the data is used for all types of things at VDOT. Chairman Anderson said he will happily ask for an opinion from the Attorney General's. Chairman Anderson asked that VGIN and VAS collaborate on drafting inputs to this letter. Mr. Richmond said that he echo's that VGIN has put out an excellent product. Mr. Nelson Moe commented that the Advisory Board needs to look broadly on data and think of any legislative consequences regarding openness of data. Mr. Palatiello asked that the APELSCIDLA Board be included in drafting inputs to a letter. The Chairman asked that a request to the AG's office be created and that the drafting of the request to include the APELCILDLA, VAS, VGIN and VITA, and that we follow up at the October Advisory Board Meeting.

5. **NEW BUSINESS/OPEN DISCUSSION/CONCLUSION**

Senator David Suetterlein asked about the future Board Meetings. Chairman Anderson informed the Senator that the next Advisory Board meeting will be in October. He also said that at that meeting the members will be asked to bring their calendar to set the next year's meeting schedule.

Chairman Anderson then requested comments from the citizens. There were none.

Chairman Anderson then called for a motion to adjourn the meeting of the VGIN Advisory

Board. All approved, and the meeting was adjourned at 11:35 AM.

Respectfully Submitted: _____

Terry D. Mayo

Date

Attachments:

- **Board member Douglas Richmond Talking Points**
- **Virginia Association of Surveyors Letter of Concern**
- **Minutes of March 15, 2016 APELSCIDLA Board Meeting**

VGIN Advisory Board

7/12/16

Orthophotography procurement and Licensed Land Surveyor discussion

- Directed by the VAS President Michael Starling and the VAS Board to ask for this item be put on the Agenda
- Explanation of APELSCIDLA / DPOR Regulates surveying and mapping for the health safety and welfare
- October 7th, 2012 Letter from DPOR to VITA stating that the work required in the RFP meets the definition of the practice of surveying. Letter was never responded to.
- January meeting of VGIN Advisory Board, the Board was notified of the intent to issue an RFP and the Advisory Board was to review it.
- ~~March 15th~~ ^{APRIL MEETING}, 2016, staff members of the VGIN attended and spoke to APELSCIDLA board on this manner. There were differing opinions as to what was discussed.
- The new RFP was released to the public for bid without any review or comment from the VGIN Advisory Board
- June 14th, 2016 Letter from APELSCIDLA Board to localities warning that VGIN imagery cannot be used for design work or flood plain determination.
- The VAS is obviously concerned that there are two very different interpretations of the Code of Virginia. 54.1-400, 402, 404, 406, 18VAC10-20-382.B.11, procurement of professional services pursuant to 2.2-4301



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June 28, 2016

Mr. Doug Richmond
VAS Member – Virginia Geographic Information Network Advisory Board
236 Cambridge Street
Fredericksburg, VA 22405

Dear Mr. Richmond:

As you may be aware, the Virginia Association of Surveyors (VAS) has long been deeply concerned regarding the procurement practices of the Virginia Information Technologies Agency (VITA) with respect to the acquisition of statewide mapping data for the Virginia Geographic Information Network (VGIN). These concerns are related to the requirement for performance by a Virginia licensed surveyor or surveyor-photogrammetrist pursuant to § 54.1-400 (et. seq.) of the Code of Virginia, exemptions pursuant to subsection B of § 54.1-404 or 54.1-406, preparing documentation pursuant to subsection C of § 54.1-402, implementation by regulations found in 18VAC10-20-382.B.11, and the procurement of professional services pursuant to § 2.2-4301.

Given VITA's recent activities and communication from the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA Board) of the Department of Professional and Occupational Regulation (DPOR), the VAS Board of Directors, pursuant to a motion formally and unanimously adopted at its meeting on June 25 in Waynesboro, VA, hereby formally requests that this item be included on the agenda of the meeting of the VGIN Board on July 12, with a presentation by APELSCIDLA/DPOR.

VAS is concerned that the law is not being faithfully implemented, thus putting public health, safety and welfare in jeopardy. We believe the public would be well served by consideration by the VGIN Board and resolution of this matter.

Respectfully,

Michael Starling
VAS President

cc: Mr. Dan Widner, Coordinator, Virginia Geographic Information Network, Virginia Information Technologies Agency (VITA)
Delegate Richard Anderson

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS
AND LANDSCAPE ARCHITECTS MEETING**

MINUTES

The Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on March 15, 2016, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Architects

Robert A. Boynton
R.Corey Clayborne

Professional Engineers

Wiley V. Johnson, III
Carolyn B. Langelotti
Chris Stone

Land Surveyors

Doyle B. Allen
Charles F. Dunlap

Interior Designers

Cameron Stiles
Sheila Wilson

Landscape Architects

A. Cabell Crowther

Board members Andrew M. Scherzer, Christine Snetter and Mike Zmuda were not present for the meeting.

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

Kathleen (Kate) R. Nosbisch, Executive Director

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

Jay W. DeBoer, Director
Mark N. Courtney, Senior Director, Regulatory & Public Affairs
Amy Goobic, Executive Assistant

Elizabeth Peay, Assistant Attorney General, was present from the office of the Attorney General.

Mr. Boynton, called the meeting to order at 9:36 a.m.

Call to Order

Mr. Boynton advised the Board of the emergency evacuation procedures.

**Emergency
Evacuation
Procedures**

Mr. Dunlap moved to approve the agenda as amended. Ms. Stiles seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Stiles, Stone and Wilson.

Approval of Agenda

Mr. Crowther moved to approve the minutes of the following meetings as

Approval of Minutes

amended:

- December 17, 2015, APELSCIDLA Board Meeting;
- December 17, 2015, Architects, Certified Interior Designers & Landscape Architects Section Meeting;
- February 10, 2016, PE and Land Surveyor Section Meeting; and
- February 10, 2016, Land Surveyor Exam Review Session.

Ms. Langelotti seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Stiles, Stone and Wilson.

There was no public comment.

Regarding File Number 2016-01253, Francisco L. Bituin the Board members reviewed the Consent Order as seen and agreed to by Mr. Bituin. Mr. Crowther moved to accept the Consent Order which cites the following violations of the Board's regulations: 18VAC10-20-790.A.2 (Count 1); 18VAC10-20-720.1 (Count 2); and 18VAC10-20-790.A.1 (Count 3). For these violations, Mr. Bituin agrees to pay the following monetary penalties: no monetary penalties for the violations contained in Counts 1 and 2; \$500 for the violation contained in Count 3; and \$150.00 in Board costs, for a total monetary penalty of \$650.00. In addition, Mr. Bituin agrees to the revocation of his license for the violations contained in Counts 1 and 2. Mr. Johnson seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Stiles, Stone and Wilson. As the presiding Board member, Ms. Langelotti was not present for the discussion or vote.

Regarding File Number 2016-01290, Haroon R. Hussain, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Section's recommendation. Mr. Johnson moved to accept the recommendation of the presiding officer and approve Mr. Hussain to sit for the PE examination. Mr. Crowther seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Stiles, Stone and Wilson. As the presiding Board member, Ms. Langelotti was not present for the discussion or vote.

Regarding File Number 2016-01291, Brian M. Haskins, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Section's recommendation. Mr. Johnson moved to accept the recommendation of the

**Public Comment
Period**

**File Number 2016-
01253, Francisco L.
Bituin**

**File Number 2016-
01290, Haroon R.
Hussain**

**File Number 2016-
01291, Brian M.
Haskins**

presiding officer and not approve Mr. Haskin's application to sit for the PE examination. Mr. Allen seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Stiles, Stone and Wilson. As the presiding Board member, Ms. Langelotti was not present for the discussion or vote.

Regarding File Number 2016-00261, Son Huu Nguyen, the Board members reviewed the Consent Order as seen and agreed to by Mr. Nguyen. Mr. Crowther moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC10-20-760.A (Count 1). For this violation, Mr. Nguyen agrees to pay the following monetary penalties: \$1000 for the violation contained in Count 1; and \$150.00 in Board costs, for a total monetary penalty of \$1,150. In addition, Mr. Nguyen agrees to complete at least four (4) 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. Ms. Langelotti seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Langelotti, Stiles, Stone and Wilson. As the presiding Board member, Mr. Johnson was not present for the discussion or vote.

File Number 2016-00261, Son Huu Nguyen

Ms. Nobsch provided background information on File Number 2014-02472. At its December 10, 2014 meeting, the Board denied Mr. Gustard's application for licensure via comity. Mr. Gustard appealed the Board's decision and the Henrico Circuit Court remanded the case to the Board for a reconvened Informal Fact-Finding conference. Ms. Nobsch read correspondence from Mr. Gustard, as he was unable to appear in person.

File Number 2014 - 02472, Christopher I. Mr. Gustard

Regarding File Number 2014-02472, Christopher I. Gustard, the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the Section's recommendation. Mr. Johnson moved to accept the recommendation of the presiding officer with additional recommendations of vacating the previous Board decision and requiring an agreement for licensure to be agreed to and signed by Mr. Gustard, and approve Mr. Gustard's application for licensure as a landscape architect via comity. Ms. Stiles seconded the motion. Discussion was held on establishing terms of a licensure agreement that must be signed and agreed to by Mr. Gustard. The motion was approved by members: Allen, Boynton, Dunlap, Johnson and Stiles. Members Clayborne, Crowther, Langelotti, Stone and Wilson were opposed. The motion failed. Mr. DeBoer stated that a motion was still needed. Further discussion was held on regulations regarding applicants with criminal convictions; terms of parole/probation; and additional terms for the licensure agreement.

Mr. Johnson moved to vacate the 2014 Final Order denying Mr. Gustard's application for licensure; and amend the presiding officer's recommendation to offer an Agreement for Licensure to include the following terms:

The Agreement for Licensure shall remain in effect until Mr. Gustard is released from his court ordered probation;

- Mr. Gustard agrees to provide the Board with a copy of his terms of probation within 48 hours after meeting with his probation officer for the first time;
- During the term of the Agreement for Licensure, Mr. Gustard shall not violate any term of his probation or parole and agrees to immediately report (within 48 hours) any such violation to the Board;
- During the term of the Agreement for Licensure, Mr. Gustard agrees not to violate any federal, state, or local law and shall immediately report (within 48 hours) any violation, arrest, or conviction to the Board;
- During the term of the Agreement for Licensure, Mr. Gustard agrees to remain in good standing in any jurisdiction in regards to criminal activity;
- Mr. Gustard shall comply with all of the Board's regulations and agrees to immediately report (within 48 hours) to the Board any violations of the regulations;
- Mr. Gustard agrees to submit documentation of 16 hours of continuing education obtained in the 24 months preceding each license renewal;
- During the term of the Agreement for Licensure, Mr. Gustard shall authorize his probation officer to provide to the Board, every six months, a letter regarding Mr. Gustard's adjustment to and compliance with his probation;
- During the term of the Agreement for Licensure, Mr. Gustard shall authorize his probation officer to immediately report to the Board any violation or suspected violation of his probation;
- Mr. Gustard agrees that the Board can modify the terms of the Agreement for Licensure once the terms of Mr. Gustard's probation are established, after any modification of the terms of his probation, or at the request of his probation officer; and
- Mr. Gustard further agrees that any violation of the terms of the Agreement for Licensure shall be deemed a violation of Board Regulation 18 VAC10-20-790(A)(1).

The motion also includes that the Agreement for Licensure must be executed by Mr. Gustard and returned to the Board within 30 days of receipt. If Mr. Gustard declines or fails to comply with this requirement, then his license application will be denied. Ms. Stiles seconded the motion

which was approved by members: Allen, Boynton, Clayborne, Dunlap, Johnson and Stiles. Members Crowther, Langelotti, Stone and Wilson were opposed.

Ms. Nobsch addressed the issue of Mr. Gustard's request for reimbursement costs incurred in his appeal of \$1000. Ms. Nobsch stated that the Board cannot reimburse costs. Ms. Peay added that the Circuit Court remanded the appeal back to the Board for the license application issue, with no mention of reimbursement of costs incurred.

The Board recessed from 11:18 a.m. until 11:32 a.m.

Recess

Regarding File Number 2016-01287, Utility Service Co., Inc., the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the presiding Board member's recommendation. Mr. Crowther moved to accept the recommendation of the presiding officer and approve Utility Service Co., Inc.'s business registration without the requirement of an Agreement of Licensure. Ms. Stiles seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Langelotti, Stiles, Stone and Wilson. As the presiding Board member, Mr. Johnson was not present for the discussion or vote.

File Number 2016-01287, Utility Service Co., Inc.

Regarding File Number 2016-01533, McLaren, Wilson & Lawrie, Inc., the Board members reviewed the record of the Informal Fact-Finding Conference, which consisted of the application file, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conference as well as the presiding Board member's recommendation. Mr. Crowther moved to accept the recommendation of the presiding officer and approve McLaren, Wilson & Lawrie Inc.'s business registration without the requirement of an Agreement of Licensure. Ms. Langelotti seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Stiles, Stone and Wilson. Mr. Scherzer was the presiding Board member, and was absent for the meeting.

File Number 2016-01533, McLaren, Wilson & Lawrie, Inc.

After reviewing the application and Agreement for Registration, Mr. Crowther moved to accept the Agreement for Registration as seen and agreed to by Ferrell Engineering, Inc. Mr. Dunlap seconded the motion which was approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Stiles, Stone and Wilson.

Business Agreement 2016-12, Ferrell Engineering, Inc.

After reviewing the application and Agreement for Registration, Mr. Allen moved to accept the Agreement for Registration as seen and agreed to by Logical Systems, LLC. Mr. Dunlap seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Stiles, Stone and Wilson.

**Business Agreement
2016-13, Logical
Systems, LLC**

After reviewing the application and Agreement for Registration, Mr. Allen moved to accept the Agreement for Registration as seen and agreed to by Boora Architects, Inc. Mr. Johnson seconded the motion which was unanimously approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Stiles, Stone and Wilson.

**Business Agreement
2016-15, Boora
Architects, Inc.**

Mr. Courtney provided a brief update on the 2016 General Assembly. Mr. Courtney reviewed several house and senate bills that have relationships to the agency, but none directly affecting the APAELSCIDLA Board.

**General Assembly
Update**

Mr. Dunlap provided a brief update on the Land Surveyor Apprenticeship Committee. Mr. Dunlap stated that the Committee will meet prior to the June APESCIDLA Board meeting, and he will report at the full Board meeting June 9.

**Land Surveyor
Apprenticeship
Committee Update**

Ms. Nobsch reported that the new Board regulations became effective January 1, 2016. She further reported that the new regulations were subject to a periodic regulatory review, with public comment received January 11-February 1, with the following four comments received and the Board responses:

Regulatory Update

**Received from Irwin Stanton, PE:
18VAC10-20 Regulation Architect, Engineers, Surveyors and Landscape
Architects**

As I understand it these regulations are up for review as to whether these regulations should be repealed, amended, or retained. These regulations are necessary to help protect public health, safety, and welfare. As such these regulations should not be repealed. I have no specific recommendations for amending the regulations at this time.

Board Response: The Board concurs.

**Received from Peter Skaredoff, PE:
18 VAC 10-20-210. Requirements for the Principles of Engineering (PE)
examination**

The current requirements under this section for taking the PE examination state that a potential candidate needs to have some educational background, generally in the form of a college degree. Even without a degree, the board may judge that academic coursework meets the equivalent requirement. The results of this regulation is that an individual with either limited or no academic background has no chance of ever becoming a Professional Engineer, regardless of the years of

qualifying engineering experience. I believe this requirement creates a needless barrier to entry for the engineering field in Virginia by discouraging otherwise talented individuals from entering the field if there is a fixed ceiling on professional advancement. I believe this also creates an economic burden in the state by restricting both the supply of our native engineering talent pool and the earnings potential of Virginia citizens.

I suggest the current regulations should be amended to allow 20 years of qualifying engineering experience to be an acceptable means of satisfying the requirements of 18 VAC 10-20-210 without having any college level education.

Personally and professionally, I would respect any individual, with 20 years of qualifying engineering experience and having passed the PE exam, as a colleague and peer as a professional engineer.

Board Response: By consensus, the Board agreed to keep the requirements as they are at this time.

**Received from Garrison Cavell, PE:
18 VAC 10-20-210. Requirements for the Principles of Engineering (PE)
examination**

I respectfully suggest that the current regulations should be amended to allow 20 years of qualifying engineering experience to be an acceptable means of satisfying the requirements of 18 VAC 10-20-210 without having any college level education. If a person has this amount of qualifying experience, it should demonstrate a level of competence, determination, and an ability to learn and apply oneself to the profession. More importantly, the EIT and PE exams serve as excellent, rigorous and thorough filters to determine a person's depth and breadth of engineering knowledge.

Board Response: By consensus, the Board agreed to keep the requirements as they are at this time.

**Received from William Suffa, PE:
18 VAC 10-20-210. Requirements for the Principles of Engineering (PE)
examination**

The Board is considering whether or not to modify the regulations to permit 20+ years of experience in engineering to be equivalent to a Bachelors of Science degree for purposes of qualification for sitting for the PE examination.

The regulations currently permit such experience to qualify in lieu of the FE examination.

It is respectfully requested that the Board consider permitting 20+ years of experience EITHER to apply in lieu of the FE exam OR in lieu of the Bachelors of Science degree, but not both.

The skills required to pass both the FE and PE exams demonstrate a grasp of the knowledge and skills taught in a Bachelors curriculum. Neither examination is easily passed without such skills and knowledge.

Board Response: By consensus, the Board agreed to keep the requirements as they

are at this time.

Ms. Stiles moved to retain the regulations and public participation guidelines as written. Mr. Johnson seconded the motion which was approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Stiles, Stone and Wilson.

Ms. Nobsch provide a brief update on the Regulatory Review Committee comprised of Mr. Johnson, Ms. Stiles, Mr. Boynton, Mr. Scherzer and Mr. Zmuda. She stated that the committee will meet prior to the June 9 full Board meeting. Mr. Stone moved to have the Committee review new regulations for changes. Mr. Boynton seconded the motion which was approved by members: Allen, Boynton, Clayborne, Crowther, Dunlap, Johnson, Langelotti, Stiles, Stone and Wilson. Mr. Allen requested the Committee consider the definition of "current."

**Regulatory Review
Committee Update**

Ms. Nobsch provided a brief update on the APELSCIDLA Advisory Committee. Ms. Nobsch stated that the forms and application necessary had been completed and will be posted on the website. Members of any of the five professions wishing to serve as a volunteer on the APELSCIDLA Advisory Committee must complete the application and forms for consideration.

**APELSCIDLA
Advisory Committee
Update**

Ms. Nobsch informed the board that several former board members were interested in serving as presiding officers for Informal-Fact-Finding conferences. Jim Boyd, Architect, Stanley Harris, PE, and Lorri Finn, CID. The Board, by consensus acknowledged and approved these former board members to serve as presiding officers over IFFs. This allows current board members to remain in the room at full board meetings when cases are being adjudicated.

Financial statements were provided to the Board for informational purposes.

Financial Statements

Ms. Nobsch provided brief updates on NCEES, NCARB, CLARB and CIDQ. Ms. Nobsch reported that she attended the NCEES MBA meeting in Atlanta, February 5-7, where there were discussions on Model Law. She further reported that she, Ms. Snetter and Mr. Boynton attended the NCARB Regional Summit in Savannah, March 10-13 in Savannah, GA.

**NCEES, NCARB,
CLARB & CIDQ
Updates**

Ms. Nobsch congratulated Ms. Langelotti on receiving the Richmond Joint Engineering Council's 2015 Engineer of the Year award.

**RJEC 2015 Engineer
of the Year Award**

Ms. Nobsch recognized National Engineers Week (February 21-27), National Surveyors Week (March 21-26), National Architecture Week (April 7-16), Landscape Architect Month (April) and World Interiors Day (May 28), and thanked the Board members for their dedication to their professions and the Board.

**Recognition of
Professions**

Other Business

Ms. Nobsisch introduced Brad Martin, PE with American Engineering, Virginia Beach. Mr. Martin was invited to address the Board regarding DEQ's Virginia Stormwater Management Program (VSMP) regulations and the Virginia Runoff Reduction Method (VRRM) spreadsheet, previously addressed at the February 10, PE and LS Section meeting. Mr. Martin stated that the spreadsheet DEQ has given localities for calculations, has errors. Mr. Martin further stated that he adds a disclaimer to the cover sheet, as he takes issue with the fact that the one tool provided is inaccurate. Ms. Nobsisch stated that when discussed at the PE/LS Section meeting, Mr. DeBoer suggested a establishing a policy statement.

Ms. Nobsisch informed the Board that the DEQ representatives that attended prior meetings to discuss VSMP regulation issues, were no longer with the agency. She has been in communication with a DEQ representative regarding their possible replacements, as she hopes to invite DEQ representative to the May 12, PE/LS Section meeting for further discussion. Additionally, Ms. Nobsisch inquired about the certifying statement drafted and agreed to by the Board, regarding the DEQ requirement for a Professional Engineer's to sign and seal SWM record drawings. DEQ representatives had previously agreed to allow the certifying statement, and indicated they would disseminate the information to localities. The representative she spoke with asked her to resend the statement for review and action.

The Board agreed by consensus to have staff draft a policy statement and letter to DEQ. The letter and statement will be reviewed at the May 12, PE/LS Section meeting, and will then be presented for approval at the June 9, full Board meeting.

Ms. Nobsisch introduced Steve Marzolf and Phil Pippert, representatives from the Virginia Information Technologies Agency (VITA). Mr. Marzolf and Mr. Pippert were invited to discuss the VGIN Orthophoto Contract Request for Proposal (RFP), and the fact that the RFP is not qualifications based, and does not contain a requirement for a license surveyor. Mr. Marzolf explained that the impetus for the orthophoto is based on imagery for 911 responders. He stated that there is a disclaimer on the imagery that it is not to be used for design work. Mr. Allen and Mr. Dunlap both stated that they have knowledge that the imagery is being used for real property, even flood plain design. Mr. Allen commented that localities deem VGIN information as accurate, regardless of the disclaimer. Mr. Marzolf stated that the VITA information is publicly available, and they cannot control how the imagery may be used. The program is funded by the 911 fund, and is a service to the taxpayer. Mr. Allen commented that he did not feel there would be a significant increase to the cost by having a licensed surveyor perform the work, and doubts that the localities realize that the work is not done under a licensed professional.

Ms. Nobsisch stated that the minutes of the meeting will reflect the Board's

position that the VGIN Orthophoto RFP should require a licensed land surveyor. The localities could be directed to the minutes, the guidance document addressing the use of orthographic maps, and the Board's regulations, enabling them to better scrutinize the RFP requirements. Discussion was held on how RFP's are developed and contracts written. Mr. Johnson suggested including representation from the APELSCIDLA Board with RFP development, to provide input.

Ms. Nosbisch requested a list of the localities that utilize the imagery, so that the Board may provide them with information regarding the value of a licensed professional performing the survey work. She further asked that VITA include the Board regarding any future developments pertaining to orthophoto contracts, or any other contracts that may require the use of a licensed professional. Ms. Nosbisch thanked Mr. Marzolf and Mr. Pippert for attending.

Ms. Nosbisch informed the Board that former Board members Lorri Finn, Jim Boyd and Stanley Harris, were contacted to join the APELSCIDLA Advisory Committee, to preside at IFFs.

Ms. Nosbisch read correspondence from a recently licensed Virginia PE, expressing his gratitude to the Board. He stated that he received his Virginia license on his father's birthday, which was also the anniversary of the Pearl Harbor attack, making for a special day for him.

Conflict of Interest forms were completed by all board members present.

Conflict of Interest
Forms

The meeting was adjourned at 1:35 p.m.

Adjourn


Robert A. Boynton, Chair


Jay W. DeBoer, Secretary