

General Session Minutes
State Board of Registration for Professional Engineers
November 23, 2009

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street in Charleston, WV on Tuesday, September 29, 2009. Those present for all or part of the meeting were:

Edward L. Robinson	President
William E. Pierson	Vice-President
Leonard J. Timms	Member
Richard E. Plymale	Member
Lesley L. Rosier-Tabor	Executive Director
Don W. Johnson	Board Investigator
Debra L. Hamilton	Legal Counsel
Nicole Cofer	Legal Counsel

The meeting was called to order at 8:45 a.m. There were no additions to the agenda. The new slate of Board officers assumed their positions effective November 15, 2009.

The Board meeting minutes for September 29, 2009 (both executive and general session) were reviewed. A motion to approve the minutes was made by Mr. Timms, seconded by Mr. Pierson. Motion carried.

The Board budget summaries for September and October 2009 were received and reviewed. The detailed P-card expenditures were also received and reviewed. A motion to approve the expenditures and purchasing card transactions was made by Mr. Timms, seconded by Mr. Plymale. Motion carried.

Ms. Rosier presented the Executive Director's report and addressed all Board questions and comments. Ms. Rosier discussed her participation in recent events and presentations made by her and Mr. Johnson to various groups since the last Board meeting. She also reviewed the office's schedule of upcoming activities.

The October 2009 exam administrations were discussed. The number of absences decreased and exam observers reported that early departures from the exams were significantly less than in the past. Ms. Rubenstein and Ms. Rosier served as Board observers monitoring the exams in Charleston and President Timms monitored Morgantown. While the number of PE applications increased from recent exam administrations, the number of FE applications decreased this exam administration and was attributed to the change in the registration schedule which required students to register during the summer.

The 2010 renewal is complete. The online renewal response was highly successful. A total of 142 PEs, 20 Retired PEs and 73 COAs were lapsed due to non-response. The annual continuing education audit is nearing completion. A total of 285 (230 regular/random, 36 with COA issues, 19 with disciplinary actions) audits were mailed out on October 15th. Final certified 7-day notices were mailed out November 18th to 61 non-respondents. November 30th is the last day to receive responses, at which time invalidation letters will be mailed the first week of December.

The Board discussed changing the Board rules to require comity applicants to have a NCEES record to be able to apply for comity in WV. Due to the number of comity applicants, as well as

the percentage already having NCEES records, Ms. Rosier agreed to investigate further to determine the benefits of such a requirement.

Mr. Pierson moved to enter into executive session at approximately 9:15 a.m., seconded by Mr. Timms. Motion carried.

The Board recessed the meeting, in Executive Session, at 9:50 a.m. to hold an informal conference on complaint C2010-01. President Robinson and Board Member Plymale recused themselves from the informal conference and exited the room. After completion of the informal conference, the Board reconvened the meeting in Executive Session.

The Board recessed the meeting, in Executive Session, to reconvene the administrative hearing on complaint C2009-12. See Record of Hearing for details.

After the conclusion of the disciplinary matters discussed above, the meeting, in Executive Session, resumed.

The Board recessed the meeting, in Executive Session, at 1:45 PM to hold an informal conference on complaint C2010-08. Board Member Plymale recused himself from the informal conference and exited the room. After completion of the informal conference, the Board reconvened the meeting in Executive Session.

At the conclusion of the Executive Session, Mr. Pierson moved to enter into general session with a second by Mr. Timms. Motion carried and the Board took the following actions:

1. The Board directed counsel to proceed to collection on Complaint C2008-14.
2. The Board directed counsel to proceed to collection on Complaint C2009-10. The Board also directed staff to send a copy of the complaint Final Order to the North Carolina Board.
3. The Board agreed to stay proceedings on Complaint C2009-11 and directed counsel to request additional information.
4. Mr. Timms made a motion that Complaint C2009-23 be scheduled for hearing at the January 2010 meeting. Motion was seconded by Mr. Pierson and carried.
5. Mr. Timms made a motion that Complaint C2009-24 be dismissed. Motion was seconded by Mr. Pierson and carried.
6. Mr. Timms moved that complaint C2010-07 be scheduled for hearing at the January 2010 meeting. Motion was seconded by Mr. Plymale and carried.
7. Mr. Pierson made a motion that Complaint C2010-08 be dismissed. Motion was seconded by Mr. Timms and carried. The Board directed counsel to include with the dismissal letter to the respondent a letter expressing the concerns of the Board.
8. The Board agreed to stay proceedings on Complaint C2010-11 pending a waiver to allow time for a formal investigation of the issue by the Public Service Commission Docket Number 09-1565-PSWD-GI.
9. The Board directed counsel to draft an interpretative rule to clarify §30-13-16(c).

Based on a motion by Mr. Timms, seconded by Mr. Plymale, the Board took the following actions on Special Cases for Board Action:

1. Carl V. Deicas's request for re-instatement shall remain on hold pending the outcome of the complaint filed against him by this Board.
2. John T. Irving's request for comity was approved.

Mr. Timms reported on his participation in the ABET Review at WVU.

Mr. Pierson reported that the ABET evaluation for Marshall University is complete and their final response has been submitted.

Ms Rosier reported that Mr. Saluja participated in the WVUIT Engineering Technology TAC programs ABET evaluation in late October. No report was available at this meeting.

Ms. Rosier reported on the survey responses received from WVU, WVUIT, Bluefield State and Marshall University regarding having PEs teaching advance engineering subjects. Fairmont State did not respond to the survey as of the meeting. The information will be summarized for further discussion at the January 2010 meeting.

Ms. Rosier discussed the details of electronic imaging of COA files to improve accessibility and efficiency in data retrieval, improve security and disaster recovery over paper filing and, most importantly, reduce storage space. Mr. Timms made a motion to approve the expenditure estimate of \$12,000 - \$15,000 to copy and image the company COA files. Motion was seconded by Plymale and carried.

Ms. Rosier discussed the Board's participation in the WV EXPO in March 2010. Mr. Pierson made a motion to approve the expenditure of \$1500 for booth registration and inclusion of the professional development hour reporting form in the program. Motion was seconded by Mr. Timms and carried. Board members also discussed the need to explore implementation of other types of technology within the booth set-up and during their 2-hour continuing education seminar. Ms. Rosier will provide an update on the possibilities at the January 2010 meeting.

President Timms updated the Board on his NCEES activities. A call for both NCEES National Award nominations, as well as the NCEES Northeast Zone "Enny" nominations, has been received. If any Board member is interested in submitting a nomination, Ms. Rosier will assist in the application process.

Ms. Rosier reviewed the 2009 Annual Report to the Governor's Office with the Board. Mr. Timms has signed the report for submission; however, Ms. Rosier will need to contact the Board Secretary to review and sign as he was unable to attend the meeting.

Ms. Rosier is working on the 2010 newsletter and requested any articles or topics the Board or staff would like to see included. An electronic draft will be disseminated to the Board and counsel prior to the January 2010 meeting. All final proofing comments should be submitted at the January meeting.

The next Board meeting is tentatively scheduled for Tuesday January 26, 2010. Ms. Rosier is to confirm with WVU officials that the meeting will take place on the Evansdale Campus in the

Andrews Conference Center of the WVU College of Engineering and Mineral Resources Building in Morgantown, WV.

Upon motion by Mr. Timms, seconded by Mr. Pierson, the meeting adjourned at 3:15 p.m. The Board members will be compensated one day per diem plus travel expenses.

Edward L. Robinson, P.E.
Board President

Bhajan S. Saluja, P.E.
Board Secretary