

**General Session Minutes
State Board of Registration for Professional Engineers
November 17, 2011**

The State Board of Registration for Professional Engineers met at the MU Memorial Student Center on the Marshall University campus in Huntington, WV on Thursday November 17, 2011. Those present for all or part of the meeting were:

Edward L. Robinson	President
William E. Pierson	Vice-President
Bhajan S. Saluja	Secretary
Richard E. Plymale, Jr.	Member
Leonard J. Timms	Member
Lesley L. Rosier-Tabor	Executive Director
Don W. Johnson	Board Investigator
Debra L. Hamilton	Legal Counsel (By phone)

The meeting was called to order at 9:10 AM. The Board meeting minutes for September 20, 2011 (both executive and general session) were reviewed and corrected. A motion to approve the minutes as amended was made by Mr. Timms, seconded by Mr. Saluja. Motion carried.

The Board budget summaries for September and October 2011 were received and reviewed. The detailed purchasing card expenditures were also received and reviewed. A motion to approve the current expenditures and purchasing card transactions was made by Mr. Pierson, seconded by Mr. Saluja. 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. A motion was made by Mr. Timms, seconded by Mr. Plymale, to approve attendance and travel for Board member and staff activities outlined in the Executive Director's report and updated 2011-2012 calendar of events. Motion carried.

The October exam administration was discussed. For the first time the PE exam was offered in Morgantown. Approximately 45% of examinees took the exam there. This is being done on a trial basis. Cost effectiveness of this will be evaluated after 2 exam administrations. All plans of study submitted by FE and PE candidates were approved but no interviews were required with the Board. There were no exam absences for the PE exam in Morgantown and only 2 in Charleston. There were 30 absences on the FE exam, 21 in Morgantown and 9 in Charleston, some of which had obtained first-time examinee student fee waivers.

Ms. Rosier discussed the possible policy revisions for addressing repeat exam takers. Given the implementation of the new computer-based testing (CBT) process in the next few years, Ms. Rosier recommended waiting on the details from NCEES with respect to any new Model Rules and procedures for how the new application and registration process will take place. It is the Board's understanding that it may be necessary to approve an applicant for up to 3 exam windows in a one-year period without the need for re-applying until the following year. Given the uncertainty of the new application needs, the Board tabled further discussion of any changes to the current repeat taker policies until these CBT decisions are made.

Ms. Rosier reported that NCEES contacted the Board office stating they had exhausted ideas of how they could accommodate the FE fee waivers currently being offered by this Board once the FE exam moved to computer-based testing. The primary problem is that all fees with the exception of the application fee will be collected by NCEES and paid at the time an applicant registers on the NCEES website for their exam order and seat assignment. There will no longer be two specific exam administrations and therefore NCEES will no longer bill the Board twice a year for such. According to NCEES, tracking and invoicing for this would be an “accounting nightmare”. The Board asked Ms. Rosier to continue to dialogue with NCEES while exploring new legislative language that could allow for the Board to continue offering the FE fee waivers to first-time examinees who are currently enrolled and eligible students.

The annual renewal process is complete. There were a total of 7289 PE renewals, 2562 COA renewals and 279 Retired renewals. Lapsed notices were mailed on October 6th to those failing to respond to the renewal. There were 155 PEs, 20 Retired and 91 COAs who received lapsed notices. The PDH Continuing Education Audit is in progress. Most audit notifications were mailed on October 19th with a response due in 30 days. Letters of invalidation will be sent no later than the first week of December to all those who do not pass the audit. Due to the new questions on the form regarding COAs, a courtesy correspondence and questionnaire will be sent to those with confusing or incomplete responses after the PDH audit is complete.

Ms. Rosier asked for volunteers to submit articles for the upcoming newsletter. Mr. Timms and Mr. Pierson volunteered. The articles need to be received prior to December 31st in order to meet the desired printing schedule.

Mr. Timms reported on his recent activities as NCEES Past-President.

1. Many foreign countries continue to be interested in using the NCEES FE and PE exams for educational assessment purposes. Most recently, Iran was denied use of the FE exam since there is no US Consulate in that country.
2. The fees have been set for computer based testing. The fee will be \$250 for the FE and \$350 for the PE exam, both of which include the exam administration.
3. California's exams are now administered by ELSSES. There were no major problems to report with the October 2011 administration.

As scheduled on the agenda at their request, representatives interested in exploring the possibility of forming a Professional Geologist Board in WV met with the Board to hear members' input.

NCEES has issued a 2012 Call for Awards Nominations. Nominations need to be submitted by January 31, 2012.

The Northeast Zone has requested nominations for the 2011-2012 NCEES Northeast Zone Distinguished Service Awards. Nominations are due by March 1, 2012.

The NCEES Standards Task Force and the NCEES Structural Exam Committee proposed revisions to the standard covering the Model Law Structural Engineer which must be approved by the NCEES membership prior to final adoption and submission for the ANSI Standard. Mr. Timms made a motion that the WV P.E. Board approve the revisions be as submitted. The motion was seconded by Mr. Plymale and carried. The Board requested that Ms. Rosier notify NCEES of the Board's action.

The re-write of the Engineering Practice Act for submission to the legislature in 2012 was discussed. Staff and AG counsel will work to have a draft re-write ready for the Board to review as soon as possible.

Ms. Rosier reminded Board members of the WV State Licensing Board's Auditors Training scheduled for November 30th and December 1st. The Auditor is requesting that Board members attend as well and have adjusted the schedule to include an evening session to accommodate Board member attendance. Mr. Robinson has agreed to attend on behalf of this Board, in addition to Board Administrator Rubenstein, Ms. Rosier, Mr. Johnson, and our counsel, Ms. Hamilton.

The Board discussed participation in the 2012 WV EXPO. The Board plans to continue to have an exhibitor booth, to place a one-page ad in the EXPO program to serve the engineering community's need for a professional development hour reporting form, and to conduct a 1-2 hour seminar on engineering licensure in conjunction with participate in a joint session with the WV Society of Professional Engineers honoring our successful 2011 WV PE examinees. A motion was made by Mr. Timms, seconded by Mr. Plymale to approve the expenditures for EXPO. Motion carried.

The upcoming 2012 calendar was reviewed. The Board decided to re-schedule the meeting at WVU with the faculty from January to November due to the potential of inclement weather. The May meeting was also rescheduled due to schedule conflicts. Ms. Rosier will post these meeting dates on the Board's website and with the WV Secretary of State's office to comply with the Open Meetings Act.

Copies of the Annual Report were circulated prior to and during the Board meeting. There were no revisions to the Report. A motion was made by Mr. Timms, seconded by Mr. Pierson, to approve and submit the Annual Report. Motion carried. Ms. Rosier will make the appropriate paper copies and electronic CDs and distribute to the necessary parties no later than the end of December.

Mr. Timms moved to enter into Executive Session at 11:15 AM, seconded by Mr. Pierson. Motion carried.

The Board recessed the Executive Session at 11:45 am for a luncheon meeting with the Marshall Engineering Chair, William Pierson, along with members of the engineering faculty, to discuss issues of interest and importance to both groups.

The Executive Session resumed at 12:45 pm, immediately following the luncheon meeting. At the conclusion of the Executive Session, Mr. Timms moved to enter into general session with a second by Mr. Plymale. Motion carried and the Board took the following actions:

1. A closure letter was requested by the respondent on complaint C2010-19. There being no objection, the Board directed Ms. Hamilton to assist staff in drafting a letter for the President's signature.
2. A motion was made by Mr. Timms, seconded by Mr. Plymale, to issue a Notice of Non-Compliance with Consent Order and Order to Show Cause to the respondent in complaint C2009-12 and his counsel.
3. A motion was made by Mr. Timms, seconded by Mr. Plymale, to schedule complaint C2012-4 for hearing at the January Board meeting. Motion carried.

4. Mr. Timms moved that inquiry I2011-16 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Pierson and carried.
5. Although not initiating disciplinary action, the Board directed Ms. Hamilton to draft a letter to the firm and its EIRC in inquiry I2012-05 reminding them of the importance of fully completing the reinstatement process prior to practicing or offering to practice engineering.
6. Mr. Pierson moved that inquiry I2012-06 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Saluja and carried.

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

1. Kate E. Candillo's request for comity was not approved or denied, but rather held in abeyance until such time she can obtain an NCEES educational evaluation of her non-ABET accredited degrees. Ms. Rosier is to contact Ms. Candillo to discuss the Board's decision and inform her that once the NCEES educational evaluation is received, the Board will review her file in its entirety at their next official Board meeting to determine what educational deficiencies are present and a course of action to allow them to be made up in order to qualify for WV PE licensure.
2. Charles Howard's request for comity application was approved.

The next Board meeting is scheduled for Tuesday, January 24, 2011. The meeting will take place in the Board offices at 300 Capitol Street in Charleston, WV.

Upon motion by Mr. Timms, seconded by Mr. Pierson, the meeting adjourned at 1:30 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