

General Session Minutes
State Board of Registration for Professional Engineers
March 20, 2007

The State Board of Registration for Professional Engineers met in its offices at 300 Capitol Street in Charleston, WV on March 20, 2007. Those present for all or part of the general session were:

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

The meeting was called to order at 9:05 a.m.

The Board meeting minutes of January 23, 2007 (both executive and general session) were reviewed. A motion to approve the minutes was made by Mr. Robinson, seconded by Mr. Saluja. Motion carried.

The Board budget summary for January and February 2007 was received and reviewed. Ms. Rosier indicated she is currently awaiting the 2008 Expenditure Schedule information from the State Budget office and will prepare details for Board review immediately upon receipt as they will likely be due in early May. The status of the purchasing card audit was also discussed. No response has been received from the auditor to date. A motion to approve the expenditures and purchasing card transactions was made by Mr. Robinson, 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 to various groups since the last Board meeting, in addition to reviewing the office's schedule of upcoming activities.

Ms. Rosier reported that the number of applicants for the April Fundamentals Exam increased 27% over previous sessions. Other than the usual University visits to present exam specifics and answer application questions, in addition to the large numbers of failing applicants in recent years, some of which are repeat takers, there are no apparent reasons for the significant increase this exam session.

Ms. Rosier presented the updated marketing piece communicating that the Board was attempting to move to 100% on-line renewal and payment. As approved by the Board at the last meeting, starting in 2008 there will be a surcharge for paper renewal processing.

The 2007 Board newsletter was reviewed. It has been sent to registrants along with copies of their Personal Status Reports. Copies were also sent to other State Boards, professional group members and other interested parties. Many positive comments and compliments on the professional content and presentation of relevant material have been received to date, along with

many necessary address and employer updates found from verification of the personal information contained within the status report.

The West Virginia EXPO is being held on March 21st and 22nd. The Board again has a booth. Mr. Timms and staff will be making a 2-hour presentation during the first morning of EXPO. Board attendance and participation were encouraged.

The NCEES Northeast Zone Meeting is being held in Providence, Rhode Island in early May. Mr. Timms is running for the Northeast Zone Vice-Presidency. The election will be held during the meeting. In addition to staff, three Board members confirmed plans to attend.

The 2007 Annual NCEES meeting information was provided for Philadelphia in August. Board attendance was encouraged.

Ms. Rosier has been asked to participate on the search committee for the Dean of Engineering at WV University Institute of Technology. The Board determined this was consistent with her Board responsibilities and duties. A motion was made by Mr. Robinson seconded by Mr. Saluja to approve her full participation on the committee. Motion carried.

Ms. Rosier and Mr. Timms reported on their attendance at the NCEES Board President's Assembly in Atlanta. Relevant presentation materials were provided to the Board in advance of the meeting for review and comment. Those present were disappointed to learn the NCEES National committee reports were not on the agenda. A lot of time was spent on developing a Strategic Plan for the organization, which is still a work in progress.

Ms. Rosier presented a copy of a letter prepared by the South Dakota Board that was sent to their universities discussing the BS plus 30 hour licensure requirement. It was suggested that all other State Boards do the same. After discussion the Board decided to post the NCEES news release regarding the BS plus 30 on the WV Board web-site. Mr. Timms will develop a draft letter to be sent to the state schools, which will be reviewed at the May Board meeting prior to dissemination.

The issue of repeat exam takers was discussed. NCEES is concerned that possible security breaches could be involved with people who sit for the exams multiple times and are only taking the exam to confiscate questions. The WV Board has people who have taken and failed the exams as many as twelve times. Ms. Rosier was asked to poll other State Boards to determine what the existing policies are on repeat takers and to then develop a proposed policy on the issue and present it to the Board at the May meeting.

NCEES has similar concerns about random guessers who take the exam only to get copies of the questions. Three potential WV candidates have been identified as part of this analysis. Ms. Rosier presented the details of that report to the Board for review. At this point, there was no solid evidence of wrong-doing by the examinees. Per their request, she will notify NCEES of the findings.

This year marks the 100th Anniversary celebration of engineering licensure. Many states have activities promoting their Boards, NCEES and licensure. Several ideas for WV were discussed but no action was taken.

The revised Fundamentals of Engineering Exam fee waiver form for students was reviewed. As approved at the January 2007 Board meeting, beginning with the April 2008 exam, only one fee waiver per student will be granted during the 2008-2009 exam administrations.

Dr. Steven Leftwich, Chair of the Civil Engineering Department at WVUIT, informed the Board that a 2-hour Fundamentals of Engineering Exam preparation course will be required for students beginning with the 2007 class. This initiative is being made to help address the declining pass rates witnessed on the exam for the last several years.

ELSES has identified acceptable facilities for the upcoming Fundamentals Exam in Morgantown. The Charleston Civic Center will continue to be used in Charleston. Ms. Rosier will submit the requested Board observer names to ELSES immediately following this meeting. The potential increase in exam administration costs due to facility changes was also discussed. The Board took no action to pass on any costs of the exam administration to the examinees at this time.

Several legislative issues were discussed including possible code changes for submission to the Legislature in 2008. Mr. Timms' article on the proposed changes appeared in the current newsletter. Several comments supporting the changes have been received to date. A potential change to the School Access Safety Act which affects how design service professionals are selected for state funded projects was tabled in the regular 2007 session.

The Board reviewed the legislative audit status, the questions posed by the auditing team and the responses provided by the Board staff. The Board is in full support of the additional responses provided to date to the legislative auditor's office. Mr. Timms noted that he, along with Ms. Rosier and Ms. Hamilton and Mr. Robinson, would be meeting with the Legislative Audit team on Wednesday afternoon, March 21st, to discuss the current status and plans for presentation of the final report to the appropriate Legislative Committee.

Bhajan S. Saluja was reappointed by the Governor for another term on the Board. His new term will expire in 2012. The Board congratulated Mr. Saluja on his re-appointment and look forward to his continued service.

The Board has received several calls regarding recent mailings from multiple continuing education providers. Registrants are questioning whether or not the Board is selling or releasing the mailing list to third parties. The Board reiterated their current policy is not to sell or release the list in any useable format; however it is important to note that the Roster is available on our web-site should someone chose to manually retype the contact information.

Mr. Robinson moved to enter into executive session, seconded by Mr. Pierson. Motion carried.

The Board recessed the executive session for a hearing on complaint C2006-19 immediately followed by deliberations.

The executive session continued after the hearing was completed.

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

1. Mr. Robinson moved that complaint C2007-2 be dismissed based on additional information provided by the respondent. Motion was seconded by Mr. Plymale and carried.
2. Mr. Robinson moved that complaint C2007-6 be dismissed based on corrective action taken by the respondent. Motion was seconded by Mr. Plymale and carried.

3. Mr. Plymale moved that complaint C2007-11 be dismissed based on verified documentation provided by the respondent. Motion was seconded by Mr. Robinson and carried.
4. Mr. Robinson moved that complaint C2007-14 be dismissed based on information provided by the respondent's counsel. Motion was seconded by Mr. Pierson and carried.
5. Mr. Robinson moved that inquiry I2007-12 be received and filed as Board-Initiated Complaint C2007-20. Motion was seconded by Mr. Plymale and carried.

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

1. Mahamadou M. Siddo's request for his EI status approval and PE application request was denied until such time as he receives an acceptable foreign degree evaluation or takes additional courses to compensate for the apparent educational deficiencies.
2. Djamila Beaver's request for comity application was approved.
3. Thomas C. Posko's application for comity application was approved.
4. Peter C. Sgier's application for comity application was approved.

Personnel Matters:

1. The Board approved the job description for the new Board Administrator's position and authorized Ms. Rosier to begin advertising to fill the position.
2. The Board directed Ms. Hamilton to review a personnel policy and provide an update at the next Board meeting.

The Board discussed the current requirement of 15-30 professional development hours to be provided with a reinstatement application package. The Board interpreted rule §7CSR1-10.10 to mean such hours must be obtained within the two years (or two renewal cycles) prior to the date of application. If the applicant has not been Active for one year or less, 15 hours are required. If greater than one year, 30 hours are required. These same hours claimed to meet reinstatement requirements cannot be used to meet any future renewal requirements. This clarification will be included in future rule changes.

The next Board meeting will be held on Tuesday, May 15, 2007 at 9:00 a.m. The meeting will take place at the PE Board office located at 300 Capitol Street, Charleston, WV.

Upon motion by Mr. Saluja, seconded by Mr. Pierson, the meeting adjourned at 4:00 p.m. The Board members will be compensated one day per diem plus travel expenses.

Leonard J. Timms, Jr., P.E.
Board President

Bhajan S. Saluja, P.E.
Board Secretary