

General Session Minutes
State Board of Registration for Professional Engineers
September 20, 2004

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street – Suite 910, Charleston, WV on September 20, 2004. Those present for the general session were:

Frank L. Gaddy	President
Edward L. Robinson	Vice-President
Leonard J. Timms	Secretary
Richard E. Plymale	Member
Bhajan S. Saluja	Member
Lesley L. Rosier	Executive Director
Don Johnson	Board Investigator
Debra Hamilton	Legal Counsel

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

Mr. Timms moved, with a second by Mr. Robinson, that the Board meeting minutes of August 2, 2004, executive and general session, be approved. Motion carried.

The Board budget summary for July and August 2004 was received and reviewed. The purchase of a Board automobile was discussed and will not occur until the new vehicle contract for the state is in place later in September. A motion to approve the expenditures and purchasing card transactions was made by Mr. Timms, seconded by Mr. Plymale. Motion carried.

The need for an independent audit was discussed, recognizing that our Legislative Audit is not scheduled for several years. A motion was made by Mr. Robinson seconded by Mr. Timms to have our accountant develop a “Scope of Services” and a budgetary estimate for the audit. Motion carried.

Ms. Teresa James from Smith, Cochran and Hicks, Certified Public Accountants, came into the meeting to discuss the outstanding IRS payments disputably owed by the Board. A motion was made by Mr. Robinson, seconded by Mr. Saluja to pay the outstanding bill in full while continuing to try to settle the dispute with the IRS. Motion carried. Ms. James will continue to work with the IRS to settle the dispute and get our payment credited to future obligations.

Ms. Rosier presented the Executive Directors report and addressed all Board questions and comments.

The new printing of the latest WV Laws, Rules and Regulations have been mailed to over 8000 people including registrants, NCEES members, university faculties and other interested parties.

The per diem payments for Board members were discussed. Ms. Rosier and Ms. Hamilton will review the policy with appropriate state agencies prior to submitting the charges for today’s meeting. (Ms. Hamilton returned to the Board with the opinion that she, as legal counsel, stands behind the current practice and payment of \$150 per day based on directive from the WV State Auditor’s Office).

The 2004 renewal process continues. Final notices have been sent out to the remaining 271 registrants and companies. The renewal period ends Thursday, September 30.

The November Board meeting will be held at West Virginia University Institute of Technology on Tuesday November 16, 2004. The meeting was moved from its normal Monday schedule to Tuesday to allow more students to attend. The Board meeting will take place in the morning and the Board will meet with the faculty and students in the afternoon.

A draft of the Architects and Engineers jointly prepared "Professional Use of Seals" document was discussed. Several changes and additions were made to the document. The Architects Board will be reviewing the document later this week and has promised a response within two weeks. Plans are to finalize and issue the document before year end.

Mr. Gaddy, Ms. Rosier and Mr. Johnson along with representatives from the Architect's Board attended the September 17th meeting with the West Virginia Code Officials. The overall response from the Code Officials was great. They appreciated the information provided and knowing who to contact to address design professional issues.

Mr. Timms moved to enter into executive session, seconded by Mr. Plymale. Motion carried.

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

1. Mr. Robinson moved that proposed consent agreement for Formal Complaint 2004-3 be accepted. Motion was seconded by Mr. Saluja and carried. The document will be mailed to the respondent for his signature.
2. Mr. Timms moved that Inquiry number I2004-11 be received and filed as a formal complaint (#C2004-5). Motion was seconded by Mr. Saluja and carried. The respondent came into the meeting and presented information relative to the complaint. A motion was made by Mr. Saluja seconded by Mr. Plymale authorizing Ms. Hamilton to work with the respondent to develop a consent agreement to bring the issue to closure. Motion carried.
3. The Board chose to take no action on Inquiry I2004-10. The investigator was instructed to send a letter to the involved party summarizing the findings and asking that he return a signed letter committing to not advertise or provide engineering in the future.
4. Mr. Robinson moved that "Special Cases for Board Action" involving three (3) upcoming FE exam applicants on exams be approved as submitted. Motion was seconded by Mr. Plymale and carried.

ELSES will be administering the FE and PE exams in October. Mr. Timms will be the observer in Morgantown and Mr. Plymale and Ms. Rosier will be the observers in Charleston.

Mr. Saluja reported on the ABET Accreditation visit reviewing several engineering technology programs for Bluefield State University. He said that the amount of work and detail that goes into the accreditation process was an "eye-opening" experience. He concluded noting that Bluefield State will be receiving a six year approval on the programs that were evaluated.

The August NCEES Meeting in Cleveland was discussed. The WV Board resolution regarding emeritus members versus active members for committee assignments passed. The motion requiring that all Boards be required to use ELSES for exam administration beginning in 2009 passed. Meeting attendees were later notified the vote was rescinded by the Board of Directors due to legal issues with other exam administrators, with updates to follow. The motions regarding exempting PhD's from the FE exam and allowing registrants to take the exam before work-related experience is completed failed on the floor. Mr. Timms noted he was appointed to the Law Enforcement Committee, while Ms. Rosier will again be serving on Examination Administration

Task Force as well as being elected as spokesperson for the Member Board Administrators Group.

MSHA responded to Mr. Gaddy's letter concerning the use of disclaimers on mine maps. The northern region of West Virginia was requiring engineers and/or surveyors to certify that the entire mine map was correct not just the section being revised by the engineer or surveyor. The Assistant Secretary of MSHA agreed with the Board's position and sent a letter confirming this position to all MSHA field offices. Copies of the letter are being made available to all involved parties.

The next Board meeting will be held on Tuesday November 16, 2004 at 8:30 a.m. The meeting will take place in the Dean's Conference Room of the LCN College of Engineering, WVUIT Campus, Montgomery, WV.

Upon motion by Mr. Saluja, seconded by Mr. Timms the meeting adjourned at 12:50 p.m. The Board members will be compensated one day per diem plus travel expenses.

Frank L. Gaddy, P.E.
Board President

Leonard J. Timms, P.E.
Board Secretary