

General Session Minutes
State Board of Registration for Professional Engineers
November 29, 2007

The State Board of Registration for Professional Engineers met in the Falcon Center Board Room on the campus of Fairmont State University at 1201 Locust Avenue in Fairmont, WV on Thursday, November 29, 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
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 September 11, 2007 (both executive and general session) were reviewed and corrected. A motion to approve the corrected minutes was made by Mr. Plymale, seconded by Mr. Saluja. Motion carried.

The Board budget summary for September and October 2007 was received and reviewed. A motion to approve the expenditures and purchasing card transactions was made by Mr. Robinson, 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, in addition to reviewing the office's schedule of upcoming activities. A motion was made by Mr. Robinson, seconded by Mr. Saluja, approving attendance and travel for activities outlined in the Executive Director's report. Motion carried.

The 2008 renewal season ended on October 31, 2007. Approximately 88% of licensed PE's, retired PE's and company COA holders renewed on-line this year. A detailed renewal summary will be published in the upcoming newsletter. The annual continuing education verification (PDH audit) is nearing completion. The last date to respond is November 30th.

Ms. Rosier discussed professional development opportunities for the staff. After the discussion, Mr. Saluja made a motion to approve Ms. Rose and Ms. Smith's attendance at two Administrative Assistant seminars to be held in Charleston, WV. Mr. Robinson seconded and the motion carried. Mr. Robinson made a motion to approve Mr. Johnson and Ms. Rubenstein's attendance at the 2008 Annual FARB Forum and Conference in Santa Fe, NM. Mr. Plymale seconded and the motion carried.

Ms. Rosier's proposed 2008 schedule/calendar was reviewed along with meeting and travel plans. A motion was made by Mr. Robinson, seconded by Mr. Saluja, to approve the schedule and associated expenses. Motion carried.

The 2008 edition of the Board newsletter is being prepared and a draft copy will be available for review at the January 2008 Board meeting. The Board requested that Ms. Hamilton prepare an article on Chapter 5G, the WV law relating to governmental procurement of engineering services.

President Timms reviewed his recent trip to the NCEES Board Meeting in Clemson, SC. Items of interest included Nevada's recent action to accept Canadian applicants for comity, suspension of the Northern Mariana Islands membership in NCEES for failure to pay member dues, and a detailed review of the NCEES budget. President Timms also announced recent lead staff changes within NCEES and ELSSES.

The Board recessed the meeting at 10:00am for a hearing on complaint C2008-1; see Record of Hearing.

After the hearing, the Board met over lunch with the Fairmont State University president, Dr. Dan Bradley, along with several of the engineering technology program faculty to discuss issues of interests to both groups. After lunch, Ms. Rosier and the Board made a presentation on licensure and the examination process to a group of engineering technology students and faculty, followed by a question and answer session.

The Board meeting resumed at 1:30pm, immediately following the luncheon presentation.

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

1. Most of the conditions of the Consent Order for Complaint C2004-2 have been completed, but a Final Order will not be entered until Ms. Hamilton notifies the respondent of the Board's concerns about the percentage of buildings requiring repair and inquires whether respondent has inspected or intends to inspect buildings manufactured and sold after the dates referenced in the Consent Order.
2. Mr. Plymale moved that complaint C2007-16 be dismissed contingent upon a new Board-initiated complaint being filed against a sister company (I2007-9) and entry of a Consent Order resolving the new complaint. Motion was seconded by Mr. Robinson and carried.
3. Mr. Saluja moved that Complaint C2008-2 be dismissed based on information provided by the respondent. Motion was seconded by Mr. Plymale and carried. (Robinson recused himself and absented the Executive Session during the discussion.)
4. Mr. Plymale moved that Inquiry I2008-8 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Robinson and carried.
5. Mr. Robinson moved that inquiry I2008-12 be received and filed as a Board-initiated complaint. Motion was seconded by Robinson and carried.
6. Based on a motion by Mr. Robinson, seconded by Mr. Saluja, the Board took the following actions on Special Cases for Board Action:
 - John A. Cernero's request for comity was approved.
 - William W. Damron's request for comity was approved.
 - Richard R. Marston's request for comity was approved.

The Mining issue regarding MSHA's Emergency Temporary Standard for mine seals was discussed. The Board did not change its position on requiring a WV PE to approve all mine seal designs and installations in WV.

The Board discussed the posting of Consent and Hearing Orders on the website. A decision was made to post all final orders for a three-year period. At that time, the electronic copy of the order will be removed from the Board's website but will still be made available by request.

With exam application deadlines approaching, Ms. Rosier discussed implementation of the Board policy requiring applicants who have failed an examination four or more times to provide evidence of additional training before being allowed to sit for another examination. This requirement for exam admission is based on WV Code 30-13-15(c). The Board recommended requiring a signed Educational Plan of Study agreement outlining and committing to the course of action to be used in preparation for the exam. Ms. Rosier will work with Ms. Hamilton and staff to draft the agreement and post it on our website with all other application materials as soon as possible.

The Board reviewed the tentative plans for participation in the 2008 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 needs for a professional development hour reporting form, and to conduct a 1-2 hour seminar on engineering licensure. The WV Board also plans to participate in a tentative program hosted by the WV Society of Professional Engineers honoring our successful 2007 WV PE examinees.

The Board's 2007 Annual Report was reviewed and accepted as presented. Per Chapter 30 Code requirements, the necessary copies will be produced and disseminated in early December.

The next Board meeting will be held on Tuesday, January 22, 2008. The meeting is scheduled to begin at 9:00am and will take place in the Dean's Conference Room of the College of Engineering and Mineral Resources on the Evansdale Campus of West Virginia University, Morgantown, WV.

Upon motion by Mr. Plymale, seconded by Mr. Robinson, the meeting adjourned at 4:45 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