

General Session Minutes
State Board of Registration for Professional Engineers
November 22, 2002

The State Board of Registration for Professional Engineers met in their new offices at 300 Capitol Street – Suite 910, Charleston, WV on November 22, 2002. Those present were:

Frank L. Gaddy	President
Robert L. Wolfe	Vice President
Leonard J. Timms	Secretary
Edward L. Robinson	Member
B. S. Saluja	Member
Barry Koerber	Assistant Attorney General
Marcia White	Board Administrator
Lesley Rosier	Executive Director

The meeting was called to order at 9:25 a.m.

Mr. Timms moved, second by Mr. Robinson that the Board meeting minutes of September 16, 2002, executive and general session, be approved. Motion carried.

The Board budget for September-October 2002, as well as a summary of office move expenses, was reviewed and questions were answered by Mrs. Marcia White, WV Board Administrator. Mr. Timms noted that he would like to see that a 5-year projection on staff and budget is compiled to be included in the updating of the Board's strategic plan. Mr. Gaddy would also like the record to reflect that the Board would like to have trending analyses provided when possible. A motion by Mr. Robinson, second by Mr. Saluja to approve the September-October 2002 budget as presented. Motion carried.

Ms. Rosier presented the Executive Director's Report and addressed all Board comments and questions. The Board commended Ms. Rosier and the office staff for their hard work and dedication during the recent move. The Board also expressed appreciation for a job well done on the 2001-2002 continuing education audit.

Mr. Wolfe moved to enter into executive session, second by Mr. Timms. Motion carried.

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

1. **McCloy** – Based on advise from Mr. Koeber, the Board made a decision not to appeal the recent ruling regarding Civil Action No: 99-C-2206 but to rather concentrate efforts on expanding and clarifying the WV Laws, Rules and Regulations for the next legislative review. Mr. Saluja moved, second by Mr. Robinson, motion carried.
2. **Snead** – Mr. Timms moved to close Case 2002-2, Mr. Robinson seconded, motion carried.
3. **Hicks** – Mr. Wolfe moved to contact Ms. Hicks immediately via certified mail (FedEx) to voice their displeasure regarding recent events. Motion seconded by Mr. Robinson, motion carried.

Ms. Rosier presented the Board with the lists of approved files since last Board meeting. Numerous files were presented for Board review. The following files were approved with Board action:

PE Comity / Reinstatements Approved

Cunningham, Daniel R.	Ganey, James W.	Shahi, Shiv
Diviney, Randal S.	Jacobs, Joseph P.	
Eslinger, Edgar C.	Plitt, Dennis D.	

Mr. Wolfe moved, second by Mr. Robinson to deny comity to Mr. Edmund Palko. Mr. Palko does not possess a 4-year ABET accredited degree or equivalent. Motion carried.

Mr. Timms moved, second by Mr. Saluja to deny comity to Mr. Boris L. Vilner. Mr. Vilner has not sat and passed the Fundamentals of Engineering exam. Motion carried.

Mr. Timms moved, second by Mr. Wolfe to deny comity to Mr. James R. Wells, Jr.. Mr. Wells does not possess a 4-year ABET accredited degree or equivalent. Motion carried.

Ms. Rosier is to develop and continuously update guidelines for reviewing the applicant files to maintain consistency in Board rulings.

Discussion ensued regarding the cost and number of FE Exams given in WV. Mr. Robinson moved to allow all eligible, full-time students to sit for the exam free of charge. Seconded by Mr. Timms. Concerns were raised that we should initiate a fee waiver for a trial period and then reevaluate. Motion amended by Robinson to limit this proposal to the April 2003 FE exam only. Motion carried unanimously. Ms. Rosier is to contact appropriate individuals at each of the four in-state engineering institutions to alert them of this opportunity. She will also develop a Fee Waiver form and place this information on our website.

Upon motion by Mr. Timms, second by Mr. Robinson, Mr. Gaddy and Ms. Rosier were given permission to participate in the 2003 NCEES Board President/Member Board Administrators Assembly scheduled for February 13-15, 2003 in Girdwood, Alaska. Mr. Gaddy was also given permission for the upcoming UPLG Committee meeting to be held January 30-February 3, 2003. Mr. Gaddy will receive per diem equal to his number of days of participation in both events. Motion carried.

Mr. Gaddy and Mr. Wolfe informed the Board of their participation in the two recent ABET visits to West Virginia University Institute of Technology. Mr. Gaddy was an invited guest of the team that evaluated the Engineering programs while Mr. Wolfe was a guest evaluating the Engineering Technology programs.

Ms. Rosier announced that she had been contacted by David Martinelli, WVU Civil Engineering Department Chair, regarding the Board's December visit to the WVU College of Engineering. Dr. Martinelli had inadvertently made an error in scheduling our visit and the date would now need to be changed to January 2003. Mr. Robinson moved to set up this meeting in January but to work with WVU officials to implement a plan for an Annual Fall meeting to be held in Morgantown. The idea of this annual gathering would be to stress the importance of becoming a licensed professional to both student and faculty alike. Mr. Timms seconded. Motion carried.

At the request of Mr. Robinson, Ms. Rosier had researched the various fines imposed for wrongdoing in other states. Mr. Robinson briefed the Board on illegal practices occurring in WV, including individuals and P.E.'s. Discussion tabled until the Board meets to begin to develop proposed changes for the WV Laws, Rules and Regulations.

The Board discussed a recent concern regarding P.E.'s not licensed in WV providing expert testimony. The Board is of the opinion that an expert witness making engineering judgments and offering engineering opinions within a courtroom should be a WV licensed professional engineer. If the engineer does not reside in this state, is developing his or her opinion based solely on documents being sent for their review out-of-state, and not physically performing any work on WV soil, then this practice is acceptable. However, if the engineer is required to make WV site visits in order to pass judgment, then the engineer is performing engineering work in our state and must become licensed in our state.

Mr. Gaddy informed the Board of upcoming bills that the WV Association of Land Surveyors plan to have passed in the 2003 Legislative session. Mr. Gaddy has invited the WV Land Surveyor's Board to the December Board meeting to discuss proposed changes and other relevant matters. Ms. Rosier is to contact Ms. Marilee Bright of the Surveyor's Board to make arrangements.

Motion by Mr. Timms, seconded by Mr. Saluja to meet for a "work-session" on Tuesday, December 17, 2003. This session will be dedicated to drafting changes to the WV Laws, Rules and Regulations. Motion carried.

Ms. Rosier will be revising the Board's Strategic Plan for discussion at the January Board meeting. She will also be developing job descriptions, appropriate titles for current staff, evaluation procedures, and other relevant documents appropriately supporting the Strategic Plan.

Ms. Rosier informed the Board that she has received various informal and anonymous complaints regarding illegal engineering practices in the state. The Board is considering allowing anonymous complaints that could be investigated further and, if found legitimate, the complaint would be formally filed against the individual or company by the Board. Ms. Rosier was directed to ask Ms. Vicki Rose (staff) to re-activate her notary public in order for the Board to have immediate access to such an individual when needed.

The next meeting of the Board will be held on December 16, 2002 at 9:00 a.m.. This meeting will take place in the office WV State Board of Registration for Professional Engineers, 910 Kanawha Building, 300 Capitol Street, Charleston, West Virginia.

Upon motion of Mr. Timms, second by Mr. Wolfe, the meeting adjourned at 3:30 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