



# INTERchange

Informing Professional Engineers of developments that influence their honored profession

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INSIDE  
VOLUME 12  
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## The Good, the Bad and the UGLY!

LESLEY L. ROSIER-TABOR, PE,  
EXECUTIVE DIRECTOR

WE'VE HEARD YOUR MANY REQUESTS  
... and have been working diligently  
TO MAKE IT HAPPEN.

*While not referring to the 1966 Clint Eastwood film, the name seems quite fitting in retrospect. However, there was a happy ending with a victory for the engineering community on the last day of the action-packed 2015 Legislative session, much like the gold fortune found by the bounty hunters in the notorious Spaghetti Western!*

After spending many hours reviewing our current Engineering Law and discussing desired changes, counsel and staff filed the necessary paperwork to update legislative rules in 2014. The Board also decided to re-introduce the legislation that didn't become law in 2014, which was introduced in the WV Senate on February 2, 2015. The 82nd WV Legislative Session ended at midnight on Saturday, March 14, 2015. The results of our efforts were ... well, we can sum it up by saying some were good, some were bad, and some were just plain ugly.

**The Good:** In my soon-to-be 13 years with the WV PE Board, I am happy to report that our current Engineering Law has served us quite well. The last major update to our statute was 1992, and legislative rules in 2004, primarily to comport with NCEES Model Law. While there will always be bits and pieces that we come across from time to time and mark as possible items to have reworded, until this year we had only visited the legislature twice during my term as Executive Director. The first visit in 2004 was relatively simple and painless, with a small but important statutory change and a major re-write of the Board's legislative rules. Then, in 2013, we again went to the Legislature to get our Engineering Law into compliance with changes occurring at the national level, in particular to allow for computer-based testing by NCEES and remove references to 8-hour, paper-and-pencil exams. This effort was successful, and was timely followed up with the emergency rules currently in effect.

Because of WV's legislative rule-making process, we later filed legislative rules that incorporated the emergency rules and clarifications, such as the various types of non-practicing status that was also included in the new law passed in 2013. However, you wanted other changes, and staff did as well. West Virginia was among six states that still renewed on an annual basis. Staff also wanted to move to the calendar year, rather than the July 1 fiscal year, which provides more uniformity among the state boards. So we went back to the Legislature in 2014 requesting authorization for 2-year renewal based on the calendar year. It came close to passing, but our bill "died in the pile" on the last night of the session.

With renewed commitment, we again sought this statutory change - and also had to get legislative approval of the rules - during the 2015 session. For a rather complicated-to-explain legal reason, our proposed new rules were not authorized, but one great thing was accomplished for the licensees of the WV State Board of Registration for Professional Engineers - passage of Senate Bill 389 allowing for biennial renewal cycles on the calendar year!

**The Bad:** In addition to a few sleepless nights, I was forced to learn more about the legislative process than I thought I would ever need to know. Armed with a tad more knowledge than my School House Rock song days of "How A Bill Becomes A Law," we set out on what I thought would be (and in retrospect should have been) a relatively easy mission of seeing the biennial renewal cycle become a reality for our engineering community. We encountered a few hurdles and bumps along the way, resulting in no fewer than 400 refreshes of the Bill Status web page on my phone and desktop during the latter part of the 60-day session just to keep up with where we were in the process. With over 63 steps of action on our bill between February 2nd and March 14th, my knowledge has now expanded to much more than I will likely ever need again.

**The Ugly:** Our simple and straightforward bill submission which addressed one section of our law was expanded by legislative staff to include two other sections. It passed both houses with relative ease, and was to take effect from passage. And then it got ugly. As I sadly discovered, there are a lot of days between "completed legislative action" and a bill being signed by the Governor, which I thought was a formality. **Wrong!** SB389 was vetoed by the Governor on two separate occasions due to title technicalities spotted by his counsel's meticulous review to the House-amended bill. We needed the statute to become law so that our rules could be authorized, but with the 2nd veto there was simply not enough time in the 60-day session. Fortunately, legislative staff made the necessary minor modifications, and with the help of supportive legislators SB389 was passed a third time on the morning of the 60th day. We are so relieved. Hopefully, getting new legislative rules passed will be less fraught with problems in 2016, and staff will be less overwrought with anxiety.

*Two-year renewal on the calendar year will take effect this renewal cycle, albeit alternating years for PE licenses and COAs.*

# Board Updates

## WV PE BOARD MEMBER APPOINTMENT UPDATES

On October 17, 2014, our Board was pleased to receive correspondence from **Governor Earl Ray Tomblin's** office stating that **Mr. Edward L. Robinson, PE, PS** was re-appointed to the West Virginia Board of Registration for Professional Engineers pursuant to the provisions of W.Va. Code 30-13-4. Mr. Robinson's new term will end on June 30, 2019. The current Board members and their staggered terms are:

- **Mr. Edward L. Robinson, PE, PS**  
Term expires June 30, 2019
- **Mr. William E. Pierson, PE**  
Term expires June 30, 2018
- **Mr. Richard E. Plymale, Jr., PE, PS**  
Term expires June 30, 2017
- **Mr. Bhajan S. Saluja, PE**  
Term expires June 30, 2016
- **Mr. Leonard J. Timms, Jr., PE**  
Term expires June 30, 2015

## 2015 BOARD MEMBER ELECTION RESULTS

On November 3, 2014, the members of the West Virginia State Board of Registration for Professional Engineers voted to retain the same officers for the upcoming year. The candidates agreed to serve for another year and are noted as follows:

- **Mr. Edward L. Robinson, PE, PS**  
Board President
- **Mr. William E. Pierson, PE**  
Board Vice-President
- **Mr. Bhajan S. Saluja, PE**  
Board Member



LEFT TO RIGHT Leonard Timms, Jr., Edward Robinson, Bhajan Saluja, Richard Plymale, Jr. and William Pierson

*The Mission of the West Virginia State Board of Registration for Professional Engineers is to safeguard the life, health, property, and welfare of the public by regulating the practice of professional engineering.*

## AND THE "ENNY" (NE) GOES TO...

**Don Johnson, PE**, our now retired Board Investigator, received the 2014-2015 Northeast Zone Distinguished Service Award. The award, given by the Northeast Zone of the National Council of Examiners for Engineering and Surveying (NCEES), is presented to an individual in the northeastern part of the United States who has provided exemplary service to the NE Zone, NCEES and the profession of engineering. **Mr. Edward Robinson, PE**, WV PE Board President, and **Leonard "Joe" Timms, PE**, NCEES Past President and WV PE Board member, nominated Mr. Johnson on behalf of the WV PE Board.

### The following is a brief excerpt from his nomination application:

- Board Investigator and Continuing Education Auditor for the WV PE Board, 2003 - 2014
- Assisted with Proctoring at Charleston FE and PE Exam Sites for several years
- Board Presenter (Co-Presenter) at over 50 presentations on the importance of engineering licensure, the WV Engineering Law and the Board's Enforcement Program. Presentations provided to professional society groups such as ASCE/ASME/AIChE/IEEE, building code official groups, architects, surveyors, home inspectors, US Army Corps of Engineers, WV ACEC and WVSPE groups, multiple student presentations on annual visits to five in-state colleges/universities, WV Construction Exposition, panelist for Board Investigations at WV State Licensing Board Training hosted by the WV State Auditor, etc.



- Board Representative to West Virginia's "Buy American Task Force" organized by the Governor and State Purchasing Director, 2012 - 2013
- Annual contributor to the Investigator's Corner within the WV InterChange Newsletter Publication
- NCEES - Member, Law Enforcement Committee, 2010-2011
- NCEES - Member, Law Enforcement Committee, 2011-2012
- NCEES - Member, Law Enforcement Committee, 2012-2013
- NCEES - NE Zone Resolutions Committee, multiple years
- Attended + actively participated in ALL NCEES Northeast Zone Meetings, NCEES Annual Meetings and NCEES Law Enforcement Programs, 2003-2014

In addition to his work with NCEES and the WV PE Board, Don has also been actively involved in other engineering and construction organizations and community work where he serves as a resource and advocate on engineering topics, licensure and ethical responsibilities.



**SUE RUBENSTEIN,  
BOARD ADMINISTRATOR**

**“THE ONLY THING constant  
IN LIFE IS change.”**  
— *Francois de la Rochefoucauld*



## Ch...Ch...Ch...Changes!

The winds of change have been gusting through the Office of the West Virginia State Board of Registration for Professional Engineers for over a year now. The howling you may hear as you stand outside the door of the Board Office might be that wind or it might just be the sound of teaching a few old dogs new tricks! Change is always a challenge to go through in any facet of life but the promise of a better, more efficient, technically savvy, user-friendly environment in the work setting usually makes it worth all the anxious, uncertain moments it takes to get there. Staff in the Board Office have been experiencing many changes at the national, state and local office level, and we are all enjoying and looking forward to many positive changes in the way that we conduct the business of professional licensure.

Nationally, our first big change last year blew in from NCEES like a refreshing gentle breeze. Moving the Fundamentals of Engineering (FE) exam from a paper and pencil test to a computer based test (CBT) was a major shift nationwide, and we had a very successful transition to CBT here in West Virginia in 2014. FE exam applicants no longer apply to our office ahead of time to sit for the exam, but rather register online directly with NCEES, and they arrange to take the exam at their convenience at a Pearson VUE testing center anywhere in the country. Only those examinees who pass the exam and want to be certified in West Virginia as an Engineer Intern apply to the WV PE Board for final approval and their certificate.

At the State level, huge changes have been underway. West Virginia began a massive undertaking with regard to the handling of all State finances, including budgeting, accounts receivable, vendor registration, procurement, accounts payable, asset management, time and leave management, benefits administration, payroll and more. Staff from our Board Office joined with other State employees from all across West Virginia for much of the summer for extensive training

on the State’s new way of doing business. The wvOASIS, which stands for Our Advanced Solution with Integrated Systems, was first introduced in 2012. It is our state’s new Enterprise Resource Planning (ERP) system which is a business management software that allows an organization to use a system of integrated applications to manage its business functions. This massive undertaking has been rolling out production in phases since July 1, 2014 and the winds of change from that endeavor are still gusting at full force.

One of the first procurement efforts by the WV PE Board using the new wvOASIS system was also one of the largest and most comprehensive technology investments that the Board has made in its history. In conjunction with a senior buyer from the State Purchasing Division, several licensing boards in West Virginia, including the Board of Medicine, the Board of Osteopathic Medicine, the Dental Board, the Board of Veterinary Medicine, as well as the WV PE Board, took brave new steps toward a brighter future by issuing Requests for Quotations (RFQs) for new licensure management software solutions to address technology issues and shortcomings that have been challenging staff and licensees on a regular basis for years due to older, outdated, homegrown computer databases.

With that step toward the future, our perfect storm of change blew in so quickly and with such force that our office windows are still rattling! After extensive discussion, research and review of the bids received in response to the RFQ process, Albertson Consulting, Inc. was awarded the contract to develop and implement a comprehensive new licensure management software solution using Big Picture Software for the WV PE Board. This project encompasses website enhancements, development of a content management database system and many new online services, administrative interface between the website and the database, and a cloud-based documentation program. Staff members have all been actively involved in this project

and have all been working diligently with the talented IT staff of Albertson Consulting in each of our areas of expertise, developing new on-line applications, converting data and integrating this new technology with our website and our business processes.

You, too, will begin to feel the winds of change as we move into renewal season. We are working hard to have the new system up and running for your 2015 renewal. A few of the new features you can look forward to as you renew this year: the ability to stop in the middle of your renewal at your convenience and save what you have done up to that point so you can continue your renewal later; the ability to print your PE license wallet card or COA wall certificate as soon as you complete your online renewal; and going forward we plan for you to have the ability to input your PDH hours as you obtain them so you won't have to wait to input all of your PDHs at once during your renewal. Those are just a few of the many benefits we hope to see with the new system! Other new online services that will be useful not only to our licensees but the public at large include implementation of a live, real-time, license verification search, live licensee interaction to perform address updates, roster download capability, a tracking system for disciplinary proceedings, online applications for EIT certificates, PE exam, comity, PE reinstatement, COAs and COA reinstatement with the ability for applicants to log in to see the status of their application at any time. For the first time ever, credit card payment will be the primary option for all of these new online services so credit cards will be accepted year-round and not simply during renewal season.

*We've come a long, windy way in the past year! Time now for all of us to take a deep breath and explore all these new and exciting changes on the horizon as we prepare to enter our first renewal period using our new system. We hope you will like what the wind blew in!*

## IF WE CANNOT FIND YOU, WE CANNOT REMIND YOU!

What type of reminder works for you?

Sticky notes with indiscernible scribbles denoting your next lunch meeting?

Outlook calendar features that prompt you with bells and whistles that tomorrow is your anniversary and to pick up that important card?

A brief talk with Siri asking her to remind you of your upcoming dentist appointment or to take the trash out on Monday evenings or what staples to pick up at the grocery on our way home from work?

Whatever the case may be, stop now ... set your favorite reminder to verify that your information is accurate and up-to-date with the Board office. Better yet, forego the reminders and perform a 30-second review of the enclosed "Personalized Status Report" which contains your latest contact information on file with our office. If any of the information is inaccurate, the most convenient way to submit your personal changes is by simply completing the online Change of Address form located on our website at [www.wvpebd.org](http://www.wvpebd.org).

Simple as two quick steps and to assure we can find you to remind you!



## CHANGE IN STATUTE BASED ON 2015 WV LEGISLATIVE ACTION

The following outlines key changes from the recent legislative action affecting Chapter 30, Article 13 of the W.Va. Code. The title is provided in its entirety followed by excerpts with **bold type** intended to highlight the most significant changes. The full Enrolled Bill can be viewed at [www.legis.state.wv.us](http://www.legis.state.wv.us).

**Senate Bill No. 389** – *A Bill to amend and reenact §30-13-13a, §30-13-17 and §30-13-18 of the Code of West Virginia, 1931, as amended, all relating to the Board of Registration for Professional Engineers; changing time period for renewal from fiscal year to calendar year; authorizing renewal notification by mail or electronically; providing for reinstatement of nonrenewed licenses; authorizing annual or biennial renewal periods; providing a late fee; and requiring emergency rules related to renewal and reinstatement.*

### **§30-13-18. Renewals and reinstatement.**

- (a) Certificates of registration and certificates of authorization **expire on the last day of December of the year indicated on the certificate**, and the holder of any certificate that is not timely renewed is ineligible to practice or offer to practice engineering in this state until the certificate has been reinstated in accordance with rules promulgated by the board.
- (b) Certificates may be renewed only in accordance with board rule, which **may include payment of a late fee for renewals not postmarked by December 31 of the year in which renewal is required**. The board shall notify every person or firm holding an active certificate under this article of the certificate renewal requirements at least one month prior to the renewal date. **The notice shall be made by mail or electronic means using the contact information provided to the board.**
- (d) **Effective July 1, 2015, the board may renew certificates on a biennial basis.**
- (e) **The board shall promulgate emergency rules pursuant to section fifteen, article three, chapter twenty-nine-a of this code to implement the provisions of this section.**



# So a doctor, lawyer, and an engineer walk into a bar ...

## INVESTIGATOR'S CORNER

AARON ARMSTRONG, BOARD INVESTIGATOR

OK, probably not the best lead in to an article concerning the Rules of Professional Responsibility, but there may be a joke in there somewhere. I only mention the medical and law professions by way of example, but in reality one could insert nearly any profession to include accounting, architecture, cosmetology, pharmacy, real estate, surveying, etcetera etcetera. The fact of the matter is that most nearly all professions have some sort of Rules of Professional Responsibility (RPRs) or Code of Ethics, and all registered members of that profession are expected to live and work by those rules.

In fulfilling professional responsibilities, a professional engineer assumes various roles that require the performance of many difficult tasks on a daily basis. Not every situation which the engineer may encounter can be foreseen, but fundamental ethical principles are always present for guidance. The Code of Professional Responsibility points the way and provides the Board and society standards by which to judge the actions. In engineering, specifically in WV Engineering Law, the RPRs are found in Title 7, Series 1 of the Code of State Rules (formally cited as W. Va. Code R and available on the Secretary of State's website).

In the next few paragraphs, I shall attempt to highlight and explain a few of the RPRs and how some of these RPRs have been the basis for disciplinary action taken by the Board. As a disclaimer, though, I must admit it would be impossible to cover all of the circumstances surrounding any particular Rule of Professional Responsibility. As such, this article is merely an attempt to stimulate thinking about the RPRs and how to perform your engineering duties in accordance with the rules. Examples given are not to be taken as Board policy or precedent, as alluded to above. The Board evaluates all circumstances on a case-by-case basis.

The complete list of RPRs can be found in WV Code R §7-1-12.1 through §7-1-12.6 which are strikingly similar to NCEES Model Rule and parallel that of most other jurisdictions. The overarching theme of the RPRs is that registrants are required to be familiar with WV

Code, Rules, and all applicable laws relating to the practice of engineering. Of important note, a registrant has an Obligation to Society (§7-1-12.3), an Obligation to Employers and Clients (§7-1-12.4), and an Obligation to Other Registrants (§7-1-12.5). Since the Board's primary mission is to protect the public welfare, it only makes sense that all registrants of this Board shall be cognizant that their first and foremost responsibility is to the public welfare (§7-1-12.3(a)).

Competition is inherent in business situations, including engineering. However one may define competition, it is imperative to note that §7-1-12.2(d) states that "Registrants shall .. faithfully serve the legitimate interests of

*The Code of Professional Responsibility points the way and provides the Board and society standards by which to judge the actions.*

their employers, clients and customers... and they shall not compete unfairly with others." There may come a time in one's career when a project arises where an owner is soliciting engineering services from one or more engineers. To compete fairly, it is the professional responsibility of the engineer to clearly and truthfully answer the solicitation and to ask for clarification when a question about the solicitation may arise. For example, it is always better to fully understand what the owner is requesting than to assume what is being requested. Once the solicitations are reviewed, having a record of clarifications is always the safest route should the Board become aware of any potential issues. This Board has, in the past, assessed civil penalties against registrants for competing unfairly.

Among the rules regarding a registrant's Obligation to Society, §7-1-12.3(b) states that "Registrants shall approve and seal only those design documents and surveys that conform to accepted engineering standards and safeguard the life, health, property and welfare of the public." The term 'accepted engineering standards' is not meant to be interpreted as engineering that has only been proven for the past few centuries, although one could certainly argue that engineering

methodologies such as Archimedes Principle or Manning's Equation, amongst others, are genuinely accepted. For instance, there may be a circumstance where cutting edge engineering technology is surely accepted. Whatever the engineering standards may be, this rule is meant to ensure that you are only approving work that conforms to accepted engineering standards. Another way to look at this rule is to make sure the standards you are using are the 'correct' standards for the circumstance. Using the Manning's equation example above, it could be argued that Manning's equation is an accepted engineering standard, but using an incorrect Manning's coefficient as an assumption could lead to a violation of the RPRs. The RPRs are

an important part of WV Engineering Law, and many of the disciplinary actions relating to the quality of engineering are violations of RPRs.

Also included in the Obligation to Society, §7-1-12.3(h) states that "Registrants having knowledge of possible violations of any of the RPRs shall provide the Board with information and assistance necessary to the final determination of the violation." This rule is readily one of my favorite rules to discuss amongst our registrants. As the Board's Investigator, I am commonly called upon to gather information for the Board's consideration and I rely on the experts in their respective field of engineering to assist in clarifying the issues at hand. Using a previous case example, the Board was tasked to determine potential violations in a field where the Board members or staff had no specific area of expertise. To assist in the resolution of the issues, the Board relied on explanations and clarifications of engineers competent in the specific field. So if a situation similar to this arises in the future, I may call upon your expertise to assist the Board in meeting its mission of protection of the public.

Among the rules regarding a registrant's Obligation to Employers and Clients, §7-

1-12.4(e) states: "Registrants shall make full prior disclosures to their employers or clients of potential conflicts of interests or other circumstances which could influence or appear to influence their judgment or the quality of their service." This rule is meant to eliminate or make known any *potential* or *appearance* of certain factors that might influence your work. I italicize the aforementioned words for emphasis because there is usually a clear line in determining a direct conflict of interest but not always a clear line in a potential or appearance thereof. A direct conflict of interest is usually straightforward, such as an elected official requiring public contracts be diverted to a company he/she represents. A potential and appearance of a conflict of interest, however, can be somewhat obscure such as an engineer providing freelance work. Potential means 'capable of being but not yet in existence' - possible.<sup>1</sup> Thus, if an engineer even has a potential conflict of interest, he/she must exercise appropriate caution and properly disclose the

circumstances. While it is not the intent of this article to discuss the aspects of freelance engineering or to provide a comprehensive description of conflicting interests, I welcome you to contact the Board office with any specific questions.

The final RPR I would like to discuss is in the section on a registrant's Obligation to Other Registrants. §7-1-12.5(c), in summary, states that a registrant will not attempt to maliciously or falsely injure the professional reputation of other registrants, nor indiscriminately criticize their work. I call this the "Golden Rule" RPR -- remember the rule we were all taught as young children? Treat others as you would like to be treated. One caveat though, as this RPR contains the key words 'maliciously,' 'falsely,' and 'indiscriminately.' This can mean that a registrant may criticize works of others so long as the criticisms are based on fact or made without malice. When applying this RPR and determining the distinguishing facts, one must balance the circumstances

with one's duty to report as discussed above in RPR §7-1-12.3(h). The key is to ensure any and all criticisms are supported by evidence and accepted engineering standards.

While I have attempted to discuss and explain some aspects of your Rules of Professional Responsibility, I must highlight that this article has touched on only approximately 25% of the RPRs found in WV Legislative Rule Title 7, Series 1. There are many more out there and, in addition to the RPRs, there is WV Code §30-13-1 et. seq. that also discusses engineering conduct. As always, the Board staff is here to assist you in your profession and if you would ever need any additional information. In some ways, though, our registered professional engineers here in West Virginia are in the best position to ensure the practice of engineering is held to the highest standard and conducted in the best interests of society, employers and clients, and other registrants.

<sup>1</sup> N.C. Board of Ethics, Actual vs. Potential Conflicts Edition, Volume 3, Issue 3, April 2006.

## §7-1-12. Professional Responsibility.

**12.1. Knowledge of Rules.** All registrants are charged with having knowledge of the Rules of Professional Responsibility. The Board shall notify every registrant and applicant for registration in writing of amendments to the rules. The Rules as amended shall also be published in the roster and on the Board website provided for in W.Va. Code §30-13-12.

**12.2. Rules of Professional Responsibility.** To comply with the Board's responsibilities, which are to safeguard life, health and property, to promote the public welfare, and to maintain a high standard of integrity and practice, the Board has developed the following Rules of Professional Responsibility set forth in this section. These rules supplement the provisions for professional responsibility prescribed in W.Va. Code §30-13-21 and are binding on every registrant.

(a) All persons registered in West Virginia are required to be familiar with the W.Va. Code §30-13-1 et seq., this rule, and all applicable laws relating to the practice of engineering. The Rules of Professional Responsibility delineate specific obligations the registrant shall meet. In addition, each registrant is charged with the responsibility of adhering to standards of highest ethical and moral conduct in all aspects of the practice of engineering.

- (b) The practice of engineering is a privilege, as opposed to a right. All registrants shall exercise this privilege by performing services only in the areas of their competence according to current standards of technical competence.
- (c) Registrants shall recognize their responsibility to the public and shall represent themselves before the public only in an objective and truthful manner.
- (d) Registrants shall avoid conflicts of interest and faithfully serve the legitimate interests of their employers, clients, and customers within the limits defined by this rule. Their professional reputation shall be built on the merit of their services, and they shall not compete unfairly with others.

### 12.3. Registrant's Obligation to Society.

- (a) Registrants, in the performance of their services for clients, employers and customers, shall be cognizant that their first and foremost responsibility is to the public welfare.
- (b) Registrants shall approve and seal only those design documents and surveys that conform to accepted engineering standards and safeguard the life, health, property and welfare of the public.

[ CONTINUED ON PAGE 8 ]

## §7-1-12. Professional Responsibility. [ CONTINUED ]

- (c) Registrants shall notify their employer or client and other appropriate authority when their professional judgment is overruled under circumstances where the life, health, property, welfare of the public is endangered.
- (d) Registrants shall be objective and truthful in professional reports, statements or testimony. They shall include all relevant and pertinent information in the reports, statements or testimony.
- (e) Registrants shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.
- (f) Registrants shall issue no statements, criticisms or arguments on technical matters which are inspired or paid for by interested parties, unless they explicitly identify the interested parties on whose behalf they are speaking, and reveal any interest they have in the matters.
- (g) Registrants shall not permit the use of their name or firm name, nor associate in business ventures with, any person or firm which is engaging in fraudulent or dishonest business or professional practices.
- (h) Registrants having knowledge of possible violations of any of the Rules of Professional Responsibility shall provide the Board with information and assistance necessary to the final determination of the violation.
- (f) Registrants shall not accept compensation, financial or otherwise, from more than one party, for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.
- (g) Registrants shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their organization serves as a member. Conversely, registrants serving as members, advisors, or employees of a governmental body or department, who are the principles or employees of a private concern, shall not participate in decisions with respect to professional services offered or provided by the private concern to the governmental body which they serve unless their participation is approved by the West Virginia Ethics Commission.

### 12.5. Registrant's Obligation to Other Registrants.

- (a) Registrants shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in prior assignments or the complexity of the assignments. Presentations incident to the solicitation of employment or business shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments.
- (b) Registrants shall not offer, give, solicit or receive, either directly or indirectly, any commission, or gift, or other valuable consideration in order to secure work, and shall not make any political contribution with the intent to influence the award of a contract by a public authority.
- (c) Registrants shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of other registrants, nor indiscriminately criticize other registrants' work.

### 12.6. Actions brought against applicants.

- (a) A registered PE who has been fined, received a reprimand, or had his or her registration revoked, suspended or denied in another jurisdiction for reasons or causes which this Board finds would constitute a violation of the law governing the practice of engineering in this state or any rule promulgated by this Board, is sufficient cause for the Board to levy a fine, reprimand, or deny, revoke or suspend a registration to practice engineering by the registrant in this state. Any such actions by other jurisdictions shall be reported on the annual renewal form. For purposes of this section, "another jurisdiction" means any other governing entity, including a licensing board for another profession.

### 12.4. Registrant's Obligation to Employer and Clients.

- (a) Registrants shall undertake assignments only when qualified by education or experience in the specific technical fields of engineering involved.
- (b) Registrants shall not affix their signatures or seals to any plans or documents except in accordance with 30-13-1 et seq. and these rules.
- (c) Registrants shall not reveal facts, data or information obtained in a professional capacity without the prior consent of the client or employer except as authorized or required by law.
- (d) Registrants shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents, suppliers, manufacturers, or other parties in connection with work for employers or clients.
- (e) Registrants shall make full prior disclosures to their employers or clients of potential conflicts of interest or other circumstances which could influence or appear to influence their judgment or the quality of their service.

# Board Disciplinary Actions

In meeting its mission of safeguarding life, health and property, and to promote the public welfare, the WV Board actively enforces the statutes and rules that fall within its jurisdiction. Below is a summary of formal complaints that resulted in disciplinary action since the 2014 newsletter. Numerous other investigations were conducted, some resulting in formal complaints which are still pending; some dismissed because the charges were unsubstantiated or considered trivial; and some closed after acceptable corrective action or warning.

The actions below were either a result of a formal hearing resulting in a Board Order or

an informal settlement resulting in a Consent Order. These orders are public records. If you are interested in knowing more about the nature of the complaint, you may request a copy pursuant to the State's Freedom of Information Act. All Final Orders are posted on the Board website.

All civil penalties are deposited in the state's general fund. Administrative costs are made payable to the WV PE Board and are retained by the Board to offset costs incurred in the investigation and complaint resolution efforts. Administrative costs may be waived if the complaint is resolved with a minimum of expense, including staff time.

**Disclaimer:** *Every effort has been made to ensure that the enforcement information is correct; however this information should not be relied upon without verification from the Board office or website. It should be noted that the names of companies and individuals listed may be similar to the names of parties who have not had enforcement actions taken against them. Should you have any specific questions regarding the disciplinary actions noted below, please contact the Board office.*

**CASE #:** **C2013-03 - Samuel J. Wood**

**VIOLATION:** Signed and affixed seal to work not prepared by or checked by the registrant and violations of several Rules of Professional Responsibility. [§30-13-21(a)(4)&(10), §30-13-24(c), W. Va. R 7-1-7.3(a), 12.2(d), 12.4(b) & 12.5]

**RESOLUTION:** Consent Order signed. Civil penalties of \$7000 and administrative costs of \$3000 paid. Case closed 3/17/14.

**CASE #:** **C2013-06 - John J. Sirc/Johnson Controls, Inc.**

**VIOLATION:** Practicing engineering in West Virginia without an engineering license and Certificate of Authorization. [§30-13-2 and §30-13-17(a)]

**RESOLUTION:** Consent Order signed. Civil penalties of \$1000 and administrative costs of \$2000 paid. Case closed 9/15/14.

**CASE #:** **C2014-04 - Stephen P. Maslan**

**VIOLATION:** Failure to report actions taken in other jurisdictions which could subject him to disciplinary action pursuant to West Virginia engineering law. [§30-13-21(a)(5)&(12), W. Va. R 7-1-12.6]

**RESOLUTION:** Consent Order signed. Reprimand. Case closed 7/22/14.

**CASE #:** **C2014-11 - Mark Taylor / J.F. Kiely Service Company, LLC**

**VIOLATION:** Offering to practice engineering in WV without a license and certificate of authorization. [§30-13-2, §30-13-17(a)]

**RESOLUTION:** Consent Order signed. Civil penalty of \$500 and administrative costs of \$500 paid. Case closed 6/24/14.

**CASE #:** **C2014-12 - Michael W. Stasch / A.M. Design & Engineering, LLC**

**VIOLATION:** Offering to practice engineering in WV without a license and certificate of authorization. [§30-13-2, §30-13-17(a)]

**RESOLUTION:** Consent Order signed. Civil penalty of \$500 paid. Case closed 9/15/14.

**CASE #:** **C2014-13 - Kevin A. McGlumphy / Road Science Division of Arr-Maz Custom Chemicals, Inc.**

**VIOLATION:** Offering to practice engineering in WV without a license and certificate of authorization. [§30-13-2, §30-13-17(a)]

**RESOLUTION:** Consent Order signed. Civil penalty of \$500 paid. Case closed 6/24/14.

**CASE #:** **C2014-14 - Richard Hoppenjans**

**VIOLATION:** Violations regarding seal requirements (misuse of another state's seal). [§30-13-2, §30-13-16(c), W. Va. R 7-1-7.3(a)]

**RESOLUTION:** Consent Order signed. Civil penalty of \$250 paid. Case closed 5/9/14.

**CASE #:** **C2014-15 - William Toney**

**VIOLATION:** Failure to affix a seal, negligence, and practice outside area of competence. [§30-13-2, §30-13-16(c), §30-13-21(a)(2), W. Va. R 7-1-12.2(b), 12.4(a)]

**RESOLUTION:** Consent Order signed. Administrative costs of \$2500 paid. Case closed 10/23/14.

**CASE #:** **C2014-18 - Freeland Harris Consulting Engineers, Inc.**

**VIOLATION:** Practicing engineering in West Virginia without a Certificate of Authorization. [§30-13-17(a)]

**RESOLUTION:** Consent Order signed. Civil penalty of \$250 paid. Case closed 7/22/14.

**CASE #:** **C2014-20 - Anthony Lauro, Jr.**

**VIOLATION:** Practicing engineering in West Virginia without an engineering license and Certificate of Authorization. [§30-13-2 and §30-13-17(a)]

**RESOLUTION:** Consent Order signed. Civil penalty of \$500 paid. Case closed 11/24/14.

**CASE #:** **C2015-02 - Industrial Turnaround Corporation**

**VIOLATION:** Offering and practicing engineering in West Virginia without an engineering license and Certificate of Authorization. [§30-13-2 and §30-13-17(a)]

**RESOLUTION:** Consent Order signed. Civil penalty of \$800 paid. Case closed 9/15/14.

**CASE #:** **C2015-03 - New Horizon Site Services, Inc.**

**VIOLATION:** Practicing engineering in West Virginia without a Certificate of Authorization. [§30-13-17(a)]

**RESOLUTION:** Consent Order signed. Civil penalty of \$1150 paid. Case closed 11/24/14.

**CASE #:** **C2015-04 - Troy M. White**

**VIOLATION:** Providing false information to the Board. [§30-13-21(a)(12)]

**RESOLUTION:** Consent Order signed. Reprimand and civil penalty of \$200 paid. Case closed 12/9/14.



# What's the Deal With Using Your Seal?

## LEGAL CORNER

DEBRA L. HAMILTON, BOARD COUNSEL & DEPUTY ATTORNEY GENERAL

Although a rather flippant title, it is a serious question. The Rules of Professional Responsibility, and specifically the Rules related to Respondent's Obligation to Employers and Clients, state that licensees "shall not affix their signatures or seals to any plans or documents except in accordance with" West Virginia Engineering Law.<sup>1</sup> 7 CSR 1-12.4(b). Misuse of a West Virginia professional engineering seal is an action that could subject a Respondent to discipline by the Board, including a civil penalty of up to \$5,000.00 for each offense. 7 CSR 1-15.1.

This article primarily addresses West Virginia Engineering Law as it applies when professional engineers affix their seal to work that was, in part, performed by others. It does not attempt to thoroughly answer the question of when a seal must be applied since that may be dictated by custom and practice or other applicable law.<sup>2</sup> However, the Board has a pending complaint alleging a seal violation due to an unsealed final drawing (see C2015-06), so that is an important question as well.

Before addressing the primary topic, let's be reminded that we are talking here about your *West Virginia* PE seal. You have a West Virginia seal because you have a license that grants you the right to practice *in West Virginia*. W. Va. Code § 30-13-16(a) & 7 CSR 1-6.2(b). Therefore, your West Virginia seal should be used only when the project or client (customer) is located in West Virginia and not on engineering work for clients in other jurisdictions.

There are a couple of egregious examples of a West Virginia seal being placed on projects located in another state. Both resulted in disciplinary action for misuse of seal. See C2004-7 and C2008-14, both of which also found an intent to deceive or defraud the public.<sup>3</sup> Just using your West Virginia seal outside of this State has also been grounds for disciplinary action because your West Virginia seal is intended only for use in West Virginia; see C2013-01. If your project is in another state or your custom-engineered product is being shipped to or for use in another state, you must look to the laws of that state regarding whether a seal is

required and, if so, what you must do to be able to legally affix a seal. Using your West Virginia seal on out-of-state projects may result in disciplinary action by the Board.

While it should be obvious, you likewise cannot use another jurisdiction's seal on work for a client in West Virginia. There are several recent examples of disciplinary action resulting from this violation; see C2014-03, C2014-14 and C2014-20. Note those Orders do not include the violation of "misuse of seal" since the WV PE Board only takes disciplinary action for misuse of a *West Virginia* seal. However, it still constitutes grounds for disciplinary action by the WV PE Board, and the Board would likely contact the licensing board in the jurisdiction where the seal was issued in the event that board wants to take action for the use of its seal on engineering work which should have had a West Virginia seal.

*While it should be obvious, you likewise cannot use another jurisdiction's seal on work for a client in West Virginia. There are several recent examples of disciplinary action resulting from this violation.*

Back to the main topic – when may you seal work done in whole or in part by others? There is no way to provide a definitive answer since it is a fact-based question that also involves the Professional Engineers' Rules of Professional Responsibility in terms of when a particular PE is competent to seal a document. However, knowing some of the provisions that pertain to this issue may prove a helpful guide in determining what a West Virginia PE should consider before placing his or her seal on work done by others.

W. Va. Code §30-13-16(c) and 7 CSR 1-7.3(a) state that a PE's seal indicates that the work was done by the PE or under his or her "complete direction and control." W. Va. Code §30-13-16(c) goes on to discuss what is involved when a West Virginia professional engineer checks the work of an out-of-state PE. It requires the West Virginia PE to "completely check and have complete dominion and control of the design" which

"includes possession of the sealed and signed reproducible construction drawings with complete signed and sealed design calculations indicating all changes in design." This language is repeated in 7 CSR 1-7.3(g).

So - is there a difference between "complete direction and control" and "complete dominion and control?" Not really. In July of 2011, an interpretive rule of the Board went into effect that extended and updated §30-13-16(c) so that it was clear that a PE's duties when checking another engineer's work was the same, regardless of whether the engineer performing the original work was licensed in this State or not. See 7 CSR 3-2. [[apps.sos.wv.gov/adlaw/csr/ruleview.aspx?document=6755](https://apps.sos.wv.gov/adlaw/csr/ruleview.aspx?document=6755)]

W. Va. Code §30-13-21(a)(10) makes it unlawful to sign or affix the seal (or permit

the use of the seal) "to any specifications, reports, drawings, plans, design information, construction documents or calculations or revisions which have not been prepared or completely checked by the professional engineer or under the professional engineer's direct supervision and control." So here is yet another phrasing of the prerequisites to sealing work done by someone else: the professional engineer sealing the work must completely check the work or directly supervise and control the work. Again, different wording, similar requirement.

The phrases "complete direction," "complete dominion" and "direct supervision" all indicate that a professional engineer does not always have to do the work, and W. Va. Code §30-13-24(c) plainly states this. WV Engineering Law does not prevent an employee or subordinate from doing engineering work under a person<sup>4</sup> lawfully practicing engineering **so long as the work**

**does not include final engineering designs or decisions and is done under the direct supervision of and verified by "a PE or person otherwise practicing lawfully."** The interpretive rule discussed above does not address sealing the work of an employee or subordinate, but the same kinds of terms are used to indicate the professional engineer's substantial involvement in the work prior to the placement of a PE seal on the work.

Several of the sections relating to sealing another's work are discussed in the Consent Order in C2013-03. In that matter, which involved the sealing of employees' work, it was clear from the facts that the Respondent did not directly supervise the work, did not verify the work, and in some instances did not even see the work before his seal was applied to reports which, because of the seal, purported to be engineering reports. The presence of the engineering seal on reports prepared by an unlicensed employee but which were not verified by the PE had the potential to mislead or deceive the public. A substantial fine was agreed to for Respondent's misuse of seal and for violations of the Rules of

Professional Responsibility, including 7 CSR 1-12.4(b) which specifically addresses seals.

So, what constitutes compliance with WV Engineering Law when sealing another's work? WV engineer law does not attempt to define the various words or phrases. What is meant by "complete direction and control" or "complete dominion and control" or "direct supervision" is not spelled out. Similarly, what is involved in *verifying* someone else's work? These terms likely would be given their common-sense, dictionary meanings if the circumstances of the sealing of the work became a question of fact.

*Black's Law Dictionary* is a dictionary of legal terms, and "verification" is such a term. Among other uses of the term, *Black's* offers the following general definition: "Confirmation of correctness, truth, or authenticity, by affidavit, oath, or deposition." An earlier version of *Black's* gave examples of a verified complaint and an accountant's process of substantiating entries in books of account, but I found nothing illustrative of "verification" in an engineering context.

*Black's* also provides some definitions of the term "verified":

- When used in a statute, "verified" ordinarily imports a verity attested by the sanctity of an oath. It is frequently used interchangeably with 'sworn' ...
- To prove to be true; to confirm or establish the truth or truthfulness of; to check or test the accuracy or exactness of; to authenticate.

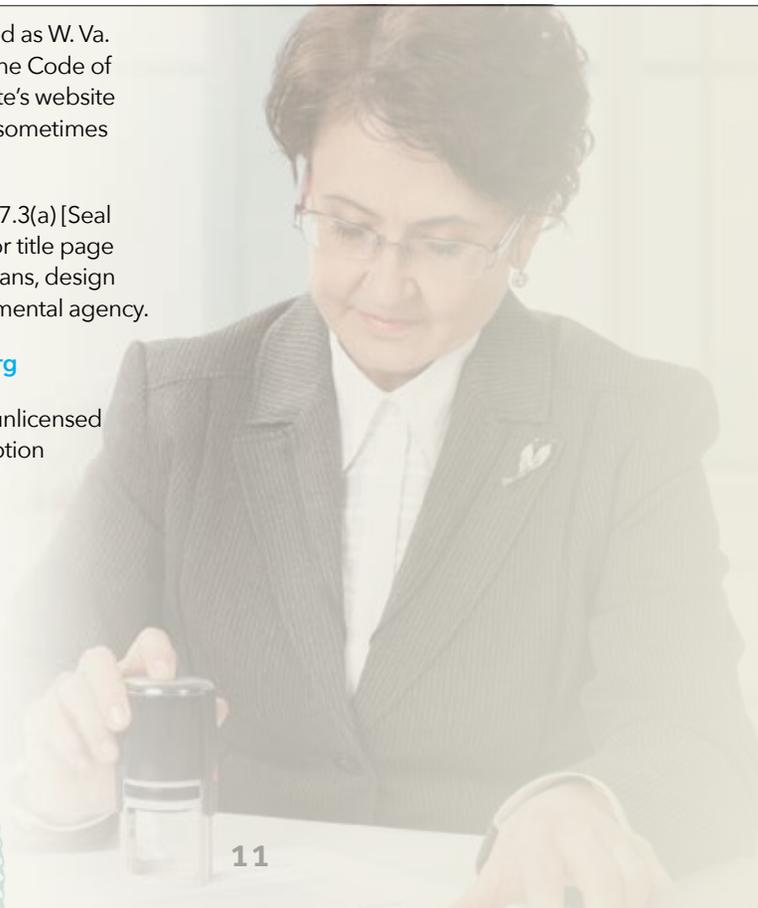
The word "sanctity" is an apt term when used in connection with your PE seal. You are sanctioning that document, and you can be sanctioned if you misuse your seal. Before you place your seal on any document, or allow an employee or subordinate to do so, you need to have done the work necessary to certify that document. Depending on the circumstances, the work needs to have had your supervision, direction, complete dominion and control, complete check, and/or verification. Your seal and signature is much more than your seal of approval; it is your work, your liability and your reputation.

<sup>1</sup> The statutes can be found in Chapter 30, Article 13 of the W. Va. Code, cited as W. Va. Code §30-13-1 *et. seq.*, and the Board's legislative rules are in Series 7 of the Code of State Regulations (CSR). The rules are accessible from the Secretary of State's website [[apps.sos.wv.gov/adlaw/csr/](http://apps.sos.wv.gov/adlaw/csr/)]. Here, rules are cited as 7 CSR \_\_\_, but are sometimes cited as W. Va. Code R. §7-\_\_.

<sup>2</sup> However, W. Va. Code §30-13-16(c) [Certificates and Seals] and 7 CSR 1-1-7.3(a) [Seal on Documents] both require the seal and signature to appear on the first or title page of all final and/or record documents of specifications, reports, drawings, plans, design information and calculations presented to a client or any public or governmental agency.

<sup>3</sup> Orders related to disciplinary actions can be accessed at [www.wvpebd.org](http://www.wvpebd.org)

<sup>4</sup> The section uses the term "person" because it relates not only to PEs, but unlicensed persons who are doing engineering work pursuant to the industrial exemption contained in the same subsection.





# Important Changes To NCEES Exams

## 2015 NCEES PE EXAM CHANGES

### April 2015 Exam Changes

- Structural Engineering (SE) 16-hour – The SE 16-hour exam will have revised design standards starting in April 2015.
- PE Civil – The PE Civil exam will have revised specifications starting in April 2015. There will also be new design standards for the Civil Construction, Geotechnical, Structural, and Transportation modules starting in April 2015.
- PE Agricultural and Biological Engineering – The PE Agricultural and Biological Engineering exam will have new specifications starting in April 2015. It has been revised and renamed the PE Agricultural and Biological Engineering exam and will be administered starting in April 2015 and in every spring administration thereafter.

### October 2015 Exam Changes

- PE Metallurgical and Materials – The PE Metallurgical and Materials exam will have revised specifications starting in October 2015. The specifications are posted on the NCEES website. Since the last

administration with the old specifications has already occurred and the new specifications are already posted on our website, these specifications can be shared.

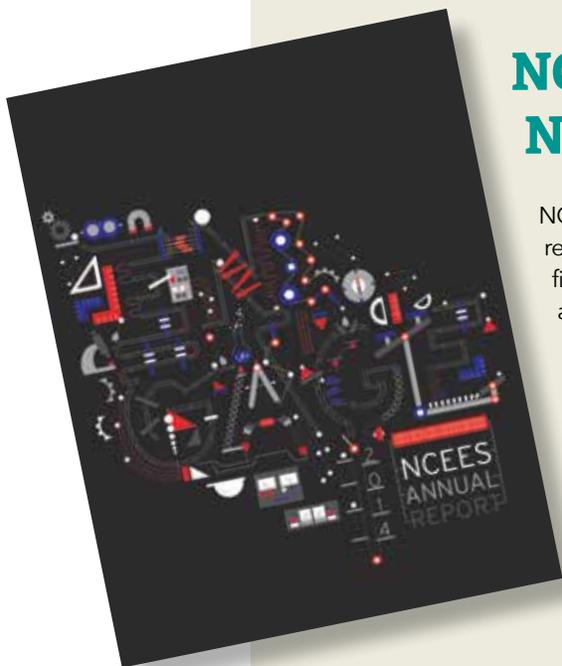
Exam specifications indicate knowledge areas to be tested and their relative weights of emphasis. As the developer of the exams used for engineering licensure in the United States, NCEES periodically conducts surveys of licensed engineers working in industry, government, private practice, and academia to gather information about the knowledge and skills required of professionals in a particular discipline. NCEES uses the results to update its exam specifications.

“Our licensing exams need to reflect current professional practice, and these surveys help us determine what an engineer intern with four years of experience should be expected to know to protect the public,” said Tim Miller, P.E., the director of exam services at NCEES.

**All new and existing exam specifications can be found on the NCEES website at [www.ncees.org](http://www.ncees.org)**



*The NCEES pages contain an overview of recent news releases received from the National Council of Examiners for Engineering and Surveying (NCEES), as well as NCEES Licensure Exchange, concerning items that may be of interest to our engineering community. Some of these articles may have been adapted to fit the space allocated. For more information on any of these updates, or to review the full news releases, simply visit the NCEES website at [www.ncees.org](http://www.ncees.org).*



## NCEES Annual Report and New NCEES Squared Publication

NCEES recently released their 2014 Annual Report. The NCEES annual report highlights the Council's leadership, mission, initiatives, and financial activities. It also provides an overview of the organization's accomplishments and growth over the past year. In addition, the latest NCEES publication, NCEES Squared, focuses on statistics ... what percentage of NCEES exam development volunteers are women, what is the average age of a PE examinee, how many people use the NCEES Records program, etc. If you are interested in the numbers (of course you are interested...you are an engineer!), you may view these documents as well an interactive version of the annual report on the NCEES website at [www.ncees.org](http://www.ncees.org).

# Multistate and International Practice

Because licensure is regulated at the state level, a professional engineer or surveyor must be licensed separately in every state in which he or she practices. Navigating the various state application processes and understanding the individual state laws is no easy task. To learn about the licensure requirements in a particular state, you can contact the appropriate licensing board or visit the NCEES website to review individual Board profiles at [www.ncees.org/licensing-boards](http://www.ncees.org/licensing-boards). The Board Profile Survey is a great tool built on common questions and answers and other information provided by each of the individual licensing jurisdictions regarding the following:

- Licensure Requirements for individuals/firms
- Number of active engineers/surveyors
- General information (rosters, fees, applications)
- Application basics
- Practice and enforcement related matters
- Renewal and reinstatement requirements

The NCEES Records Program is a popular service that assists licensees who need to practice in multiple states or territories. It provides a means of storing and transmitting your professional records – such as transcripts, exam results, references and employment verifications – in order to apply for licensure in additional states or territories. Having an NCEES Record often allows for faster turnaround for comity licensure applications. To see if this program would be useful to you, learn more at [www.ncees.org/records](http://www.ncees.org/records).

Regarding international practice, NCEES also provides a service that assists licensed engineers seeking recognition to practice in foreign countries. For more information on the NCEES International Registry, please visit [www.ncees.org/records/international-registry](http://www.ncees.org/records/international-registry).

## About NCEES

The NCEES Council's members are the engineering and surveying licensure boards from all 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands, representing 69 member licensing boards total. NCEES is headquartered in Clemson, SC.



NCEES, CLEMSON, SC

### WHO THEY ARE

The National Council of Examiners for Engineering and Surveying (NCEES) is a national nonprofit organization dedicated to advancing professional licensure for engineers and surveyors.

Professionally licensed engineers and surveyors have met specific qualifications in education, work experience, and exams and are obligated to work in a manner that safeguards the health, safety and welfare of the public.

### WHAT THEY DO

NCEES facilitates mobility for professional engineers and surveyors in the United States by providing services to its member licensing boards and licensees. These services promote uniformity in licensure laws throughout the country, making it easier for engineers and surveyors to become licensed.

### EXAM DEVELOPMENT

Licensed engineers and surveyors volunteer their time and expertise to the exam development process by coming to NCEES headquarters to write and evaluate exam questions. In FY2014, NCEES welcomed a total of **745** volunteers at **54** exam development meetings. This represents approximately **23,056** hours spent developing exam content for **8** fundamental exams and **26** professional exams.

*Want to engage with others about the profession? Eager to be the first to know when results are released? Join NCEES on your preferred social network to experience a new level of interaction and learning.*



[www.facebook.com/NCEES](http://www.facebook.com/NCEES)

NCEES' Facebook page is filled with premium content, a rich history of NCEES, and photo albums of recent events. Like NCEES on Facebook, and you'll be able to stay on top of the pertinent issues affecting the engineering and surveying professions.



[www.twitter.com/NCEES](http://www.twitter.com/NCEES)

If you prefer to quickly scan headlines, follow NCEES on Twitter to learn about its activities and engineering and surveying related news. Retweet NCEES to share important facts and answers to common questions about licensure with your colleagues.



[www.linkedin.com](http://www.linkedin.com)

Do you hold a professional engineering or surveying license? Join NCEES' LinkedIn groups (Professionally Licensed Engineering Community and Professionally Licensed Surveying Community) to connect with your professionally licensed peers. You can also broadcast your association with NCEES by following its LinkedIn page.



[www.youtube.com/NCEESMedia](http://www.youtube.com/NCEESMedia)

NCEES YouTube channel features videos of professional engineers and professional surveyors promoting the value of licensure. These videos are excellent tools to share with those who want to know more about our organization and the process of becoming licensed. In the near future, NCEES' YouTube will be expanding to include videos that answer their most frequently asked question, as well as to clarify processes and policies.

# 2014 WV Licensee Status Report and Audit Outcome

The following is a numerical summary of registered individuals and firms as of April 1, 2015. The results take into account all new licensees as well as those participating in the 2014 annual renewal process.

» Active PEs .....8112  
 » Retired PEs ..... 361  
 » Active COAs.....3158

## Lapsed Status Summary for 2014 Renewal Season

» PEs who failed to renew.....233  
 » Retired PEs who failed to renew ..34  
 » COAs which failed to renew .....129

To view or download a complete roster of the Active PE licenses, Company Certificates of Authorizations (COAs), and Retired PEs, simply visit our website. You may also access the online verification search to determine if a particular individual and/or company is authorized to practice, or even offer to provide engineering services in WV. However, as noted in the site disclaimer, users should be cautioned that the current search mechanism is only updated every 60-90 days. All submitted address changes, new licensees, as well as any recent Board change to the status of a licensee, will not appear immediately.

For specific questions regarding information found (or not found) in your search, please do not hesitate to contact the Board office for the most up-to-date information maintained in our secure, in-house database.

**Note:** *Individuals or companies listed may have already begun or completed the reinstatement process to bring a lapsed, inactive or invalidated license into good standing. Again, visit our website for details or contact the Board office for the most current information or with any specific questions.*

**Lapsed PE Licenses** - the following individuals did not respond to the 2014 Active PE renewal and therefore their licenses lapsed as of September 30, 2014.

WV PE #	NAME	WV PE #	NAME	WV PE #	NAME	WV PE #	NAME	WV PE #	NAME
020034	Matthew J. Adams	018109	Terry E. Dodge	011872	Mohammad M. Islam	019002	Jeffrey T. Nason	005259	Harold J. Snyder Jr.
012377	R. Scott S. Albin	017305	Brian K. Dougan	013380	Michael B. James	016541	Arthur C. Nix	009447	Terry G. Soster
020035	Mir H. Ali	015972	Cullen L. Dunn	020298	Matthew G. Jaska	013328	Thomas L. O'brien	018421	Michael D. Spensieri
009590	Darrell W. Allen	020006	James W. Eckert Jr.	018653	Susan E. Johnson	002896	John Offenberger	018632	Stephen M. Steele
017263	Larry C. Allen	010967	Eric L. Edelson	013273	Winton D. Johnson	015728	Russell R. Oft Jr.	017602	Mark C. Steiner
008439	Vincent J. Ammirato	019432	Randy Elliott	011939	Alan W. Johnston	019109	Donovan L. Olsen	020342	Michael H. Stephens
011920	Hal T. Bailey Sr.	016068	Charles W. Embden	016404	Robert S. Johnston	019881	Terry E. Olson	016165	Ross A. Stevens
019563	William M. Baldwin	010755	Andrew N. Erdmann	016752	Christopher A. Jones Sr.	020056	Thomas M. Osborne	015690	Michael S. Stickley
012793	Kenton J. Balenske	019256	Matthew R. Farber	015590	Ann M. Keller	018199	George K. Owens	017339	Douglas L. Stinson
012126	S. Jeffrey Barnes	011135	Larry L. Fast	011223	James H. Kelly	018091	Troy Paionk	012657	Timothy S. Stowe
011952	Andrew S. Barr	017519	Chuanyu Feng	012569	Nadeem A. Khan	016683	Sakti K. Pal	019764	Ross E. Stuart
009196	William Z. Baumgartner Jr.	019872	Joseph K. Ferency II	015876	Larry J. King	014487	John M. Pappas	020029	Kevin P. Sullivan
010076	Edgar J. Beamon Jr.	020008	Daniel Feuerborn	020162	Jason L. Kintzel	015044	James E. Patterson	019886	James A. Swift
012748	Gregory M. Belcher	008901	Richard V. Field	010141	Nelson E. Kittredge	010230	Mark O. Paulin	006625	Carl O. Thompson
016478	Joseph V. Bellini	017641	Geoffrey P. Fitzgerald	020218	Ralph E. Kleppan	016075	Scott E. Perkins	019443	Steven J. Thorburn
017632	Mark Belmont	017288	Julia C. Fitzsimmons	020050	Adrian A. Kollias	010765	Carl A. Persing	019916	Michael V. Tobin
019373	Kasi V. Bendapudi	020010	Matthew A. Fortney	019417	Sacksone Kounbandith	017942	John B. Phillips	018026	Tuan A. Truong
006070	Elmer M. Bennett	009739	Kenneth W. Freeman	018389	Darryl J. Kroeze	015254	Paul J. Pinigis	013557	Raymond F. Tucker
016664	Kiransinh C. Bhatia	020262	Robert P. Furlow	008797	John M. Kulicki	009332	Daniel T. Pollack	017071	Sr. idhar Ummethala
018034	Jason L. Bialon	017356	Albert J. Galko	007451	Joseph A. Kurtanich	011511	Marianne C. Ramey	015356	Richard I. Underwood
010801	Robert E. Blankenship Jr.	020214	Phillip R. Gambrell	018875	Michael J. Kurtz	013451	Aaron C. Randolph	016656	Vicente S. Valeza Jr.
012589	Larry T. Bowman	018605	Ryan P. Gee	010641	William A. Ladieu	019524	Ronald J. Rasque	014467	Walter N. Vernon
018802	Martin E. Boyer IV	020321	David G. Gilles	016406	Kent O. Lande	011569	Jaime Reyes	018858	Apostolos Vranis
014006	Gregory R. Brandon	020650	John W. Gobieski	012069	Gregory A. Larson	020606	Benjamin F. Richards Jr.	007239	H. Duane Walls
014081	Robert M. Brown	016815	Larry G. Goodwin	006487	John M. Linder	013833	Charles T. Robinson	014808	James R. Walter
016707	Francis X. Browne	017221	Shane M. Gosney	019267	Kyle J. Linenfelser	016183	Harold L. Rohde	013946	Douglas H. Warfel
016640	Harry G. Brumley III	018072	Don R. Gray	017028	John D. Logsdon Sr.	011512	Howard J. Rosenberg	018910	Jeremiah E. Watson
019598	James F. Busha	010639	Kenneth T. Grubb	010922	Lawrence G. Lovejoy	015046	Melinda D. Ruble	010275	Norman Ray Watson Jr.
017688	Matthew Cappello	009485	James P. Hannan	019615	Paul N. Luther	018568	John F. Rublein	014495	Byron D. Webb III
017498	Michael A. Cherock	020324	Shah N. Haque	010185	Todd L. Mace	013392	Joseph R. Salvatore	016110	Martin J. Wells
010913	John M. Christman	010137	Stephen C. Hartstern	019664	Gary W. Mackela	005678	James W. Saunders Jr.	018358	Bradley J. Wentte
019569	Aldo F. Colandrea	012606	Michael W. Hatfield	019696	Mia C. Mahedy-Sexton	019044	Sean R. Saunders	017661	George P. Wheatley
008283	Russell D. Coleman	014098	Daniel S. Hawthorne	017331	Michael L. Malito	013704	Gary J. Schaeffer	019711	Herbert F. White III
019022	James F. Colfelt	012246	Duane S. Henderson	018348	Donald J. Mayer	008916	Gerald C. Schmitt	014809	Michael A. White
009107	Kenneth L. Collier	014402	Michelle H. Heslep	005969	Raymond A. Meister	018594	William J. Schnitzler	019476	Michael J. White
017768	George L. Coontz III	017197	Eric C. Hess	016582	William W. Merrell	014317	Loren R. Schoeneman	019243	Thomas C. White
017990	Larry D. Creech	018577	William E. Higginbotham	019844	Mehrdad Mirzakashani	018569	David F. Schrader	014044	Gerald L. Wilcox
015240	Thomas F. Cross	019606	John C. Hilborn II	018579	Shokrollah Mohammadi	009520	George R. Schulte	019683	Barry K. Wong
018302	Eric J. Dedominicis	010906	Jeffrey G. Hippler	017994	Benjamin C. Montgomery	012726	William M. Scott	007180	James D. Woodard
014897	Carl V. Deicas	014479	J. Bradley Homan	018308	David E. Moore	015157	John N. Sells	011405	William L. Wormington
019651	James E. Deitrick	016239	Richard W. Homan	016726	Jeffrey B. Moreland	019675	John Seto	017403	Andrew Wowczuk
017855	Michael J. Delaney	013816	Lee V. Hooper	019845	Bryan D. Moses	014380	William F. Shelley	017559	Joseph A. Wright
020211	Jody F. Demarco	020295	Gregory A. Horne	008721	Jonathan G. Mounts	016571	Eric N. Sluder	019862	Lili Yang
007191	Luther J. Dempsey Jr.	017327	Jamshid K. Hosseinzadeh	004391	Charles G. Moyers Jr.	016139	Peter J. Smith	018639	Michael G. Youngblood
015291	John M. Dewitte	012969	Timothy E. Houdyschell	018657	Edward J. Myers	016838	Steven J. Smith	017138	Owen B. Yumang
017935	Daniel P. Dietzler	013912	Huey-Tsann M. Hsu	017557	Tammie S. Myers	020028	William E. Smith	005955	Harry B. Zackrisson Jr.
013956	Richard M. Disalvo Jr.	012982	Mohammed Ibrahim						

**Lapsed Retired PE Licenses** - the following individuals did not respond to the 2014 Retired renewal and therefore their retired licenses lapsed as of September 30, 2014.

WV PE #	NAME	WV PE #	NAME	WV PE #	NAME	WV PE #	NAME	WV PE #	NAME
010768	Michael R. Adams	006038	Sammy R. Burdette	017101	Edwena K. Eger	015680	Karl A. Koenig	015726	Michael A. Moran III
006425	Lawrence D. Andersen	017142	James A. Cheek	007673	David W. Fertig	002986	James R. Lilly Jr	011744	Indravadan R. Parekh
017851	Richard L. Baker	004571	Joseph L. Darnell	007340	Bobby H. Gray	012779	Debbie D. Mccrossen	013031	Richard A. Pfarrer III
012980	Frank J. Becker	009022	John W. Deskins	007226	Paul R. Hanko	007045	Carl E. Miller, Jr.	003056	Thomas M. Phillips
018384	Brice G. Birkhofer	011560	Lawrence D. Dixon	006861	Larry L. Harris	007392	John J. Minarich	005870	G. Donald Plumley
010403	Richard M. Bub	010818	John A. Dziubek	011156	Richard A. Huxta	012631	William P. Modry	016039	Kristen Risa

**Lapsed COAs** - the following companies did not respond to the 2014 COA renewal and therefore their Certificates of Authorization lapsed as of September 30, 2014.

WV COA #	NAME	WV COA #	NAME	WV COA #	NAME	WV COA #	NAME
C04809-00	AB Professional Services	C04142-00	Fisher & Strickler Rock Engineering, LLC	C00337-00	Larry L. Fast, PE	C02116-00	Ralph J. Kramer III
C01330-00	Advanced Facilities Design, LLC	C03698-00	Gas Flow Analytics, PLLC	C01163-00	Legion Design/Campbell & Associates	C04397-00	Rapid Soil Solutions
C00753-00	AECOM USA, Inc.	C00213-00	Geiger Engineers, PC	C03281-00	Lighthouse Engineering Consultants, LLC	C03932-00	RFW Construction Group
C01983-00	AECOM, Inc.	C04753-00	Geotechnical Design Systems, Inc.	C00784-00	Loiederman Soltesz Associates, Inc.	C04601-00	RHL Engineering Co. Inc.
C04391-00	Aldo F. Colandrea, PE	C04467-00	Glenn F. Lough, PE	C01698-00	Mazzetti Nash Lipsey Burch, Inc.	C03777-00	Richard M. Ashkenaz, PE
C02096-00	A-Line, Inc.	C03408-00	Harold J. Snyder, Jr. Environmental Engineer	C02648-00	MDR Engineering, LLC	C03094-00	Robert K. Tinney
C04266-00	Alliance Development Services	C02303-00	Harold L. Rohde AKA Rohde Engineering	C04290-00	Mechanical Electrical Engineering Cons., PC	C03906-00	S.M. Lawrence Co. Inc.
C01981-00	All-Points Technology Corp.	C00698-00	Harris, Smariga & Associates, Inc.	C04840-00	MEP Design Engineering, Inc.	C04712-00	Sandor R. Greenbaum, PE
C00005-00	Apex Engineering, Inc.	C01527-00	Hayes Large Architects	C01809-00	Michael Brady, Inc.	C01515-00	Schnabel Engineering, LLC
C03449-00	Balance Consulting	C00226-00	Haynes Whaley Associates, Inc.	C04515-00	MNEFF Design Group, Inc.	C03572-00	Siemens Energy, Inc.
C01466-00	Balsa, Limited	C02853-00	HB Associates, LLC	C01222-00	Morgan Worldwide Consultants, Inc.	C02026-00	Solar Bear, Inc.
C04257-00	Barkley Consulting Engineers, Inc.	C01426-00	Herndon Engineering Services, Inc.	C03713-00	MPP Engineers, LLC	C00278-00	Special Metals Corp.
C00071-00	Beamson & Associates, PC	C03692-00	HJR Structural Engineers, Ltd.	C04860-00	Noble Engineering Consultants	C02279-00	Star Consultants, Inc.
C04550-00	Bearing Arc, Inc.	C01782-00	Hutchinson - Consulting Engineer	C02619-00	Nordyke Design Group, Inc.	C02286-00	Stevens Engineering
C04196-00	Bendapudi Consulting	C01951-00	Hypercomp Engineering, Inc.	C03609-00	Ohio Valley Solutions LLC	C02073-00	Stone & Webster, Inc.
C04250-00	Bilfinger Tepsco Inc.	C02890-00	Iams Consulting, LLC	C03543-00	Oldcastle Buildingenvelope, Inc.	C02813-00	Stowe Engineering, PLC
C02831-00	Black & Veatch Special Projects Corp.	C01308-00	Ibrahim Engineering Corp.	C04208-00	Open Roads Consulting, Inc.	C02994-00	Stratus Group, LLC
C01644-00	Bowman Engineering, Inc.	C04670-00	J. C. Baur & Associates, Inc.	C00855-00	P.A.C.E., Inc.	C00746-00	Tadger Cohen Edelson Associates, Inc.
C04844-00	Brian E. Chandler, PE	C01831-00	J. Michael Brill & Associates, Inc.	C03860-00	Paragon Engineering & Geosciences, LLC	C01676-00	Taggart Global Electric
C04072-00	Brierley Associates, LLC	C01416-00	James John Romeo Consulting Engineers, PC	C04033-00	Phased Right DBA Nei Electric Power Engineering, Inc.	C04717-00	Team DDS, Inc.
C04600-00	Buro Happold Consulting Engineers, PC	C03268-00	James Westbrook Associates, LLC	C04482-00	Phoenix Design & Engineering, LLC	C04807-00	Teemco, LLC
C03158-00	CMJ Engineering, Ltd.	C02989-00	Jeff Zell Consultants, Inc.	C04185-00	Pierce Engineers	C00505-00	The Osborn Engineering Co.
C04833-00	Cocca Development, Ltd.	C04538-00	John A. Martin Structural Engineers, Inc., ABA John A. Martin & Associates, Inc.	C03525-00	Pine Hills Engineering, PC	C00969-00	The RBA Group
C04135-00	Coupland-Moran Engineers, Inc.	C02472-00	Johns & Bhatia Engineering Consultants, Ltd.	C03475-00	Progressive Consulting Engineers, Inc.	C04683-00	Theodore E. Miller/DBA NB Engineers
C04267-00	CST Industries	C04106-00	Karl Raynar, PE	C02921-00	Project Advisors International, LLC	C01109-00	Traffic Engineering Services, Inc.
C04441-00	Dan R. Rhodes, PE	C04594-00	KDS Engineers LLC	C04171-00	Protektark, Inc.	C04837-00	Trant Corp.
C00153-00	Daniel C. Baker Associates, Inc.	C03153-00	Keith A. Williams, PE	C02627-00	R. F. Tucker, PE	C04739-00	TTL, Inc.
C00778-00	Dempsey Engineering Co.	C04354-00	Kenneth W James			C02519-00	Tuhin Basu & Associates, Inc.
C04590-00	DTEL Engineering & Consultants, LLC	C01655-00	KTA, Inc.			C04744-00	USA Tank Sales
C04505-00	EDI-Electrical Designs, Inc.	C00956-00	Kurtanich Engineers & Associates, Inc.			C04640-00	Valmont Industries, Inc.
C00740-00	Engineering Concepts, Inc.					C02067-00	Versar, Inc.
C04651-00	Engineering Construction Design & Associates, LLC					C01694-00	W. Paul Wottring & Associates, Inc.
C04531-00	Eon Integration Services, LLC					C02098-00	W. Z. Baumgartner & Associates, Inc.
C03730-00	ET Environmental Corp.					C03068-00	Watson Land Design Services, PLLC
C02227-00	Faulkner & Flynn, Inc.					C02785-00	WW Merrell, PE
C04540-00	FHC Engineering, PC						

**Invalidated COAs** - the following companies' Certificates of Authorization were invalidated for failure to name an Active WV PE in responsible charge as required by WV Code; therefore their COAs were invalidated as of January 2015.

WV PE #	NAME	WV PE #	NAME
C04815-00	Alliance Engineering Ltd.	C02283-00	Henderson Associates
C01578-00	Bolton & Menk, Inc.	C04245-00	Montgomery Engineering Group, Inc.
C03401-00	Gabriel & Associates		
C01860-00	Hal-Pe Associates Engineering Service	C02806-00	The Paulin Company

**Invalidated PE License** - the following individuals failed to respond or submit acceptable PDH documentation for the required continuing education audit; therefore their licenses were invalidated as of November 2014.

WV PE #	NAME
009109	Joseph S. Gabriel
010939	Tony R. Henderson Jr.
019965	Steven E. Waller

Former registrants whose PE licenses or COAs have lapsed, those which were made inactive at the request of the PE or firm, or those invalidated for reasons noted above must be reinstated prior to practicing or offering to provide engineering services in WV. To be reinstated, PEs or firms must supply a complete reinstatement application package to the Board along with payment of appropriate reinstatement fees. For complete details on the reinstatement process, please visit our website for all application materials and relevant fees.



# Congratulations TO OUR SUCCESSFUL 2014 PE EXAMINEES



The following is a list of examinees that successfully passed the NCEES Principles and Practice of Engineering Exam in West Virginia during the April and October 2014 exam administrations. The WV PE Board salutes these individuals on their professional accomplishments to date and wishes them continued success in their professional engineering careers.

### April 2014 Pass

Benjamin D. Bowes  
Ryan M. Brumfield  
Jeremiah C. Cline  
Drew A. Comley  
Brandon T. Conley  
Kenneth Darko-Kagya  
Melissa Defibaugh  
Corey L. Edge  
Gehan M. Elsayed  
Evan W. Ferrell

Dustin J. Fisher  
Frederick M. Gomez  
David F. Gunnoe  
Joshua K. Hamilton  
Kory M. Hedrick  
Brett R. Hodgdon  
Eric M. King  
Christopher J. Lees  
Travis L. Martin

Beverly D. Mckeone  
Mark C. Moore  
Colin J. Murphy  
Craig J. Petry  
Jennifer L. Robinson  
Jeremy B. Robinson  
Eric A. Saffell  
Jeremy S. Shaneyfelt  
John M. Toal

### October 2014 Pass

Mark A. Banyai  
Jason D. Bolyard  
Kyle D. Burnett  
Kevin A. Butler  
Andrew M. Calhoun  
Ryan M. Canfield  
Joshua J. Chlopek  
Sridhar Chouhan  
Kim A. Cline Jr.  
James T. Davis

Austin T. Day  
John A. Depasquale Jr.  
Gabe R. Dewitt  
Michael N. Dillow  
Xinzhi Du  
Drake D. Glover  
Jared P. Gray  
Lawrence E. Hale  
Steven A. Keim  
Mark A. Machin

Robert K. Opel  
Clinton L. Perkins  
Brian G. Porter  
Samantha J. Stahle  
John P. Swisher Jr.  
Garrett K. Tomblin  
Chad J. Weems  
Derek R. Weichlein  
Clifton B. White

## CALENDAR of events - 2015

- MAY** 12 Board Meeting, WV PE Board Office, Charleston, WV

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- JUL** 14 Board Meeting, WV PE Board Office, Charleston, WV

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- AUG** 1 PE Exam Application Deadline for October 2015 Exams  
11 PE Exam Candidate Interviews, Charleston, WV  
18-23 NCEES Annual Meeting, Williamsburg, VA

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- SEP** 15 Board Meeting, WV PE Board Office, Charleston, WV

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- OCT** 30 PE Exam + SE Exam (Vertical), Charleston and Morgantown, WV
- OCT** 31 SE Exam (Lateral), Charleston and Morgantown, WV

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- NOV** 10 Board Meeting, Fairmont State University, Fairmont, WV (tentative)

