

**General Session Minutes  
State Board of Registration for Professional Engineers  
December 18, 2012**

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street in Charleston, WV on Tuesday, December 18, 2012. Those present for all or part of the meeting were:

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

Mr. Timms became ill and left Charleston at the start of the meeting but then phoned in at 10:30am and participated telephonically for the remainder of the meeting.

The meeting was called to order at 9:00 AM.

The Board meeting minutes for September 18, 2012 (both executive and general session) were reviewed. A motion to approve the minutes as submitted was made by Mr. Plymale, seconded by Mr. Pierson. Motion carried.

The Board budget summaries for September and October 2012 were received and reviewed. The detailed purchasing card expenditures were also received and reviewed. A motion to approve the current expenditures and purchasing card transactions was made by Mr. Pierson, seconded by Mr. Plymale. Motion carried.

Ms. Rosier presented the Executive Director's report and addressed all Board questions and comments. Ms. Rosier discussed participation in recent events and presentations made by her to various groups since the last Board meeting. She also reviewed the office's schedule of upcoming activities. A motion was made by Mr. Saluja, seconded by Mr. Pierson, to approve attendance and travel for Board member and staff activities outlined in the Executive Director's report and updated 2012-2013 calendar of events. Motion carried.

The results from the October 2012 exam were reviewed. The overall PE pass rate was 48.4%. First-time pass rate was 46.2%. The pass rate for repeat takers was 47.6%. The overall FE pass rate was 42.3%. First-time pass rate was 60.3%. The pass rate for repeat takers was 18.8%. More detail will be provided at the January Board meeting.

Certain items on the agenda were taken out of order to allow for Mr. Timm's participation by telephone.

Ms. Rosier reviewed the changes in the NCEES Records Program. NCEES has designated the organization's Credential Evaluation service as the official educational credentials evaluator for the Records Program.

Ms. Rosier informed the Board that nominations for the Northeast Zone and NCEES National Awards are due by the end of January. Please submit nominations in early January to allow time for completing the necessary applications.

Ms. Rosier discussed tentative plans for the Northeast Zone meeting scheduled for early May 2013 in Cape May, NJ. The Board will be sending a minimum of three funded representatives to this meeting. In addition, the Northeast Zone will be asked to vote on the new NCEES President-Elect nomination at this meeting. Currently there are two candidates running and the Board decided to wait until early 2013 before making their decision.

Ms. Rosier reported that NCEES has created an electronic verification system that allows participating Boards to request and receive official Board license verifications by e-mail. This system expedites the licensure process and reduces the amount of work involved for all parties. The WV Board staff participated in a training webinar and is now testing the program with a number of other state boards.

The Board discussed the change in the way FE and PE examination fees will be collected beginning in 2014 with the implementation of computer based testing procedures. All FE and PE examination fees, with the exception of the WV Board application fee, will be paid directly to NCEES after the applicants receive Board approval and are directed to register for their exam seat on the NCEES website. This eliminates the ability for the Board to waive the examination fees for first-time takers of the FE exam. However, the Board can still waive the state application fee. Mr. Saluja made a motion that the Board waive the state application fee under the same terms as the current fee waivers, which applies to WV students currently enrolled in an eligible ABET program and applying to take the FE exam for the first time. The motion was seconded by Mr. Pierson and carried.

Based on Board communications with the WV Legislature's Government Organization Committees, the WV Board will not be proposing a re-write of Article 13 and will only be submitting proposed amendments to current sections, primarily to allow for NCEES' nationwide computer based testing. A draft of the proposed changes was presented to the Board and will be reviewed, finalized and ready for Board approval at the January 2013 Board meeting.

W.Va. Code 30-1-6a & 6b (HB4037 – 2012) was discussed. The law requires WV licensing boards to consider Armed Forces training when veterans apply for licensure. The law also provides for fee and PDH waivers for active duty military and in certain cases their spouses. The Board reviewed our recent response to the legislative inquiry on our steps toward compliance.

Ms. Rosier reported that the Board had been in contact with the WV Surveyors' Board regarding scheduling of joint meeting to discuss common overlap issues. The Board will extend an invitation to the Surveyors' Board to join us for our January 31, 2013 Board meeting and working lunch.

Ms. Rosier reported that the Architects' Board had also responded to our Board's request for any updates needed to the joint publication "Professional Use of Seals" brochure prior to reprinting. The Architects Board had only minor edits that will be incorporated along with those of our Board. Once the final draft is complete, a copy will be provided to both Boards for final approval prior to printing.

Ms. Rosier reported on the attendance of our Board members and staff at the 2013 required Auditor's Training session. Mr. Saluja, Mrs. Rubenstein and Mr. Johnson attended the session on behalf of the Board.

Ms. Rosier reported on the upcoming WV EXPO. It was decided that our proposed program will be entitled "Trends in Engineering Licensure" and Vice-President Pierson will take the lead on the presentation. President Robinson, Ms. Hamilton and staff will also prepare brief remarks to be followed by the joint program with WVSPE to honor our 2012 successful examinees.

Ms. Rosier requested articles for the Board newsletter. The newsletter is scheduled to go to the printer immediately following our January 31<sup>st</sup> Board meeting. A draft copy will be made available for Board review prior to the January Board meeting.

Mr. Pierson moved to enter into Executive Session at 10:30 AM, seconded by Mr. Plymale. Motion carried. Ms. Rosier asked to be excused from the matters of C2013-01 and C2013-03, which request was granted, and she absented herself, and will continue to absent herself, from any involvement in these complaints.

At the conclusion of the Executive Session Mr. Pierson moved to enter into general session with a second by Mr. Saluja. Motion carried.

Regarding personnel issues, the Board discussed their options regarding continuity of legal services given the changes in the Attorney General's Office. The Board voiced their preference for Ms. Hamilton to continue representing the Board as an employee of the Attorney General's Office, but were willing to seek a new position for in-house counsel should that become necessary. Upon motion by Mr. Pierson, seconded by Mr. Saluja, staff was authorized to take whatever steps may be necessary to bring Ms. Hamilton in-house.

Based on a motion by Mr. Timms, seconded by Mr. Pierson, the Board took the following actions regarding investigations and disciplinary matters:

1. A motion was made by Mr. Pierson, seconded by Mr. Plymale to dismiss complaint C2012-10. Motion carried. Respondent will be copied in dismissal letter to complainant.
2. Mr. Timms made a motion that inquiry I2013-01 be filed as a Board-initiated complaint. Motion was seconded by Mr. Pierson and carried.
3. Regarding C2012-04, the Board had no objection to counsel and staff's pre-meeting decision to cancel the noticed show cause hearing and instead pursue a judgment in the Circuit Court of Kanawha County since the non-compliance related to collection of civil penalties and no licensure issues.
4. Counsel was directed to send a cautionary letter in I2013-04 and authorized to do so in I2013-03 if warranted after further investigation.

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

1. Kamran Rostami Asrabadi's request for comity was approved.
2. William B. Carpenter's request for comity will held in abeyance for a minimum of 6 months for failure to provide information to the Board regarding a criminal matter and another Board's disciplinary action. Full disclosure of all related documents is to be requested from the applicant for Board review at a future meeting.
3. Donald Seward's request for late acceptance of continuing education audit documentation was denied and his license remains invalidated.

The next Board meeting is Thursday, January 31, 2013. The meeting will take place at the Board office at 300 Capitol Street – Suite 910, in Charleston, WV.

Upon motion by Mr. Saluja, seconded by Mr. Pierson, the meeting adjourned at 2:30 p.m. The Board members will be compensated one day per diem plus travel expenses.

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**Edward L. Robinson P.E.**  
**Board President**

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**Bhajan S. Saluja, P.E.**  
**Board Secretary**