

**General Session Minutes
State Board of Registration for Professional Engineers
May 28, 2013**

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street in Charleston, WV on Tuesday, May 28, 2013. 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

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

The Board meeting minutes for March 19, 2013 (both executive and general session) were reviewed. A motion to approve the minutes as revised was made by Mr. Pierson, seconded by Mr. Timms. Motion carried.

The Board budget summaries for March and April 2013 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. Saluja, seconded by Mr. Plymale. Motion carried.

The projected FY 2014 Budget and Expenditure Schedule (FY 2014 Budget) was submitted to the Budget Office on schedule but has not been approved by them. A motion to approve the FY 2014 Budget as submitted was made by Mr. Saluja, seconded by Mr. Timms. Motion carried.

The Board received signed paperwork from the Governor's office to add the new Board Investigator position which will accommodate the preferred overlap and training of the new employee by the current Board Investigator. The Board also received approval for hiring our part-time summer intern. She has started work.

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. Pierson, seconded by Mr. Plymale, to approve attendance and travel for Board members and staff activities outlined in the Executive Director's report and updated 2013 calendar of events and travel. Motion carried.

Ms. Rosier discussed the status of the replacement of the current Access database being used by the Board. The RFQ to replace the database was rejected by Purchasing due to problems that other state agencies had encountered with similar projects. A revised RFQ is being prepared for submission that addresses those issues.

The performance results from the April 2013 exam were reviewed. The overall PE pass rate was 45.1%. First-time pass rate was 50.0%. The pass rate for repeat takers was 40.0%. The overall FE pass rate was 62.8%. First-time pass rate was 65.2%. The pass rate for repeat takers was 50.0%.

The joint architects' and engineers' "Professional Use of Seals" brochure has been updated and is currently being reprinted due to printing issues with the selected low bidder. Draft copies were presented to the Board and final copies should be available before the July 2013 Board meeting.

The Board is awaiting communications from the Surveyors Board regarding their progress on the joint Engineering/Surveying memorandum of understanding and possible joint publications. The Board is hopeful that a meeting can be scheduled between the two boards prior to the July board meeting.

The Board discussed the filing of emergency rules to comport with the changes in WV Engineering Law to accommodate CBT and additional statutory changes. Ms. Rosier and Ms. Hamilton reported they had met with staff of the WV Secretary of State's Office to discuss submission deadlines and learned that it is preferable to file legislative rules and have the comment period prior to filing emergency rules. These legislative rules will be filed in late October or early November, followed by the filing of the same rules as emergency rules. New legislative rules will be timely filed for adoption during the 2015 legislative session.

The statutory change to be sought during the 2014 legislative session would be to accommodate biennial renewal. A short survey to learn the preference of our licensees is attached to the current license renewal form. The initial response is favorable.

Mr. Pierson asked about the possibility of the Board accepting electronic transcripts. He reported that there are firms that provide this service. Ms. Rosier agreed to look into the matter but noted she was unaware of any applicant requests for acceptance.

Mr. Timms reported that he had contacted Wheeling Jesuit University and offered to make a presentation on licensure during the fall semester. He is awaiting a response from the school administration.

Ms. Hamilton brought up a request from a complainant to receive a copy of the response to the complaint citing the specific language currently used on the third-party complaint form. The Board took no action to change the practice of keeping the investigative file confidential until the complaint is acted upon by the Board, which means the complaint has been settled or the Board has voted to dismiss or notice the complaint for hearing.

Mr. Timms made a motion to enter into Executive Session at 9:40 AM, seconded by Mr. Pierson. Motion carried.

The Board recessed the meeting in Executive Session at 10:10 AM for an informal conference on complaint C2012-07.

The Board recessed the Executive Session for a luncheon presentation on "Raising the Bar" by David Peterson. Carol Stevens, WV Section Governor for ASCE, was also in attendance. The presentation addressed the need for increased engineering education and the possibility of requiring the Master's degree as the first professional degree in order to seek licensure.

The Board resumed the meeting in Executive Session at 1:00 PM.

At the conclusion of the Executive Session Mr. Timms moved to enter into General Session with a second by Mr. Plymale. Motion carried and the Board took the following actions:

1. Mr. Timms made a motion that complaint C2010-11 be scheduled for hearing at the July or September Board meeting. Motion was seconded by Mr. Pierson and carried.
2. Mr. Timms made a motion that complaint C2013-05 be scheduled for hearing at the July Board meeting. Motion was seconded by Mr. Saluja and carried.
3. Mr. Plymale made a motion that inquiry I2013-11 be filed as a Board-initiated complaint. Motion was seconded by Mr. Timms and carried.
4. Mr. Timms made a motion to authorize counsel to hire an expert, if necessary, to assist in the investigation of inquiry I2013-13. Motion was seconded by Mr. Pierson and carried.

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

1. William E. Casciola's request for comity was approved.
2. David P. Feron's request for comity was approved.

Mr. Timms made a motion to approve raises to be effective July 1, 2013, from a budgeted pool of \$20,000 distributed as follows: a 6% merit increase for the Executive Director with the remainder to be distributed to Board staff at her direction. Mr. Plymale seconded and the motion carried.

The proposed advertisement for the Board Investigator was discussed. At the request of Board member Pierson, the requirement for a criminal background check was added. The ad will be placed in the paper within the next 10-14 business days. The goal is to

have the investigator on staff in time to attend the annual NCEES meeting in late August.

Mr. Timms, Mr. Saluja and Ms. Rosier reported on the recent NE Zone meeting in Cape May, NJ. There were a number of major items discussed which included, but are not limited to the following:

- The election for NE Zone Candidate for NCEES President-Elect resulted in a tie vote. The Zone will now send the names of two candidates forward for vote at the annual meeting so the whole body will then elect the President-Elect.
- There is a proposal being prepared to remove the 4 years experience requirement for licensure from the NCEES Model Law. A number of states already have different experience requirements.
- The Ohio Board is proposing that each joint Board of engineers and surveyors have 2 votes on NCEES matters, one for each discipline. The intent is to give equal weight to the states who already have separate Boards. However, there were a number of other issues that were then brought up such as funding of delegates, equal representation based on the number of licensees within a jurisdiction, the equality of the member dues fee structure based on votes and number of licensees, etc. The NE Zone recommended that Jerry Carter share the outcome of the NE Zone discussions with the OH Board and also that President-Elect Mamosa consider establishing a task force to study the issue during her tenure.
- Ms. Rosier reminded the attending Boards that they must begin preparation for CBT no later than the summer deadline for last paper-and-pencil exam to be given in October 2013. There is a lot of work that has to be done before the change actually takes place on January 2, 2014.

Ms. Rosier asked for that Board members planning on attending the NCEES annual meeting to let her know. Currently Mr. Timms, Mr. Saluja, Mr. Pierson, Ms. Rubenstein, Ms. Rosier, Mr. Johnson and Attorney Hamilton plan on attending. Registration must be completed in early July.

Ms. Rosier reported that a two-page member agreement to implement CBT has been sent to each Board for their approval and signature. There is no contract between the individual Board and PearsonVue. The contract for CBT is between NCEES and Pearson. Ms. Hamilton will review the document and offer any necessary legal comments. Once finalized, Mr. Robinson will be asked to sign as the Board President.

Mr. Timms reported that there were a few problems at the Morgantown exam site with respect to noise and lighting. NCEES acknowledged the issues and tried to mitigate the problems prior to the exam administration and continue to look for other locations for future exams.

Ms. Rosier reported that the required annual BRIM Safety Meeting was held with staff prior to the Board meeting on May 28, 2013. The Board was presented with a copy of

the submission (draft safety meeting minutes, attendance sheet, annual survey results, etc) to be submitted to BRIM following the Board meeting in order to comply with their annual requirements.

The next Board meeting is Tuesday, July 16, 2013. The meeting will take place at the Board office at 300 Capitol Street – Suite 910, in Charleston, WV.

Upon motion by Mr. Pierson, seconded by Mr. Timms, the meeting adjourned at 2:15 p.m. The Board members will be compensated one day per diem plus travel expenses.

Edward L. Robinson P.E.
Board President

Bhajan S. Saluja, P.E.
Secretary