

**General Session Minutes
State Board of Registration for Professional Engineers
July 20, 2007**

The State Board of Registration for Professional Engineers met in its offices at 300 Capitol Street in Charleston, WV on July 20, 2007. Those present for all or part of the general session were:

Leonard J. Timms, Jr.	President
Edward L. Robinson	Vice-President
Bhajan S. Saluja	Secretary
William E. Pierson	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 a.m.

The Board meeting minutes of May 15, 2007 (both executive and general session) were reviewed. A motion to approve the minutes was made by Mr. Pierson, seconded by Mr. Saluja. Motion carried.

The Board budget summary for May and June 2007 was received and reviewed. A motion to approve the expenditures and purchasing card transactions was made by Mr. Saluja, seconded by Mr. Robinson. Motion carried.

Ms. Rosier presented the Executive Director's report and addressed all Board questions and comments. Ms. Rosier discussed her participation in recent events and presentations made to various groups since the last Board meeting, in addition to reviewing the office's schedule of upcoming activities.

Ms. Rosier reviewed the details regarding the April exam administration. This exam administration marked a record number of FE applicants and examinees in West Virginia. Passage rates continue to be abysmal, in particular for the FE, falling significantly below national averages.

Relative to the exam passage rates, President Timms reported he would be meeting with the Engineering Deans at both WVU and Fairmont State University in the next few weeks. The main topic of discussion will be the new BS plus 30 semester hour licensure requirement passed by NCEES. However, he also plans to discuss the poor pass rates on both the national FE and PE engineering exams in hopes that the faculty and administrators will begin to take action to assist in increasing the scores. WVU Tech has officially added a required one hour exam review course to the curriculum beginning with the Fall 2007 semester. Marshall is in the process of evaluating the need for adding a similar course to their engineering curriculum.

The 2008 renewal season continues. The on-line renewal process has been a tremendous success. The number of second notices sent out in July was the lowest ever.

The 2007 NCEES Annual Meeting is scheduled for August 21-26, 2007 in Philadelphia, PA. The Annual Conference Meeting Information and Action Item notebooks were distributed to the Board and staff members for review and comment.

Mr. Robinson moved to enter into executive session, seconded by Mr. Pierson. Motion carried. At the invitation of the Board, Monty Hieb from the WV Office of Miner's Health, Safety and Training and Gary Hartsog from Alpha Engineering Services attended a portion of the session, regarding a pending legal matter.

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

1. The Board by acclamation adopted the following resolution regarding the PERD legislative audit:
 - The Board received and reviewed the draft PERD report, discussed same and the revisions expected to be made after the exit conference held on the afternoon of Thursday, July 19, 2007. The Board also reviewed the draft response, which will be revised to comport with PERD's revised draft received the afternoon of July 20th.
 - MOVED: That the Board go on record as affirming that all activities and expenditures set forth in the report were undertaken with the knowledge and approval of the Board and taking strong exception to Recommendation Numbers 3, 5 and 6.
 - MOVED: That the positions of the Board with regard to specific findings and recommendations be set forth in a written response with the signatures of all Board members and mailed with the PERD report to members of the Joint Committee on Monday, July 23rd.
 - MOVED: That the Board table any further action on the report until after the July 29th meeting of the Joint Committees on Government Organization and Government Operations.
 - MOVED: That the Board authorizes the Executive Director and staff to continue with and be reimbursed for the planned and customary activities, the Board finding them to directly advance the statutory mission of this Board until further Board action.
2. Mr. Pierson moved that complaint C2007-20 be dismissed based on additional information provided by the respondent. Motion was seconded by Mr. Robinson and carried.
3. Mr. Robinson moved that complaint C2007-24 be dismissed based on additional information provided by the respondent. Motion was seconded by Mr. Pierson and carried.
4. Mr. Robinson moved that Inquiry I2007-20 be received and filed as a Board initiated complaint. Motion was seconded by Mr. Saluja and carried.
5. Based on a motion by Mr. Saluja seconded by Mr. Pierson, the Board took the following actions on Special Cases for Board Action:
 - Yoo-Jae Kim's request for comity was approved pending degree confirmation details from the University from which he obtained his doctorate degree.
 - Carl W. Field, Jr.'s re-instatement is tabled pending receipt of a complete application and review by counsel.

6. The Board took the following position regarding the recent MSHA Emergency Temporary Standard:

WV Board of Engineers Position on Mine Seals

- In the interest of public health and safety it is the position of the West Virginia State Board of Registration for Professional Engineers that:
 - The design of mine seals is engineering work and requires that the work be done by a registered West Virginia professional engineer (WV PE).
 - Prior to sealing a document a WV PE must be satisfied that the design is safe. Therefore any pre-approved design must be flexible to meet existing conditions in order to meet the WV PE's safety responsibility.
 - Additionally because field conditions change the WV PE must be allowed to make the necessary field changes to meet those conditions in order to protect the public safety.

At 2pm, Mr. John L. Shaffer attended the Board meeting at his request to discuss his unique education and experience background. He wanted to discuss his background with the Board and determine what remaining requirements he has to complete for his EI certification and additional needs to pursue PE licensure.

A draft joint letter by the Board, the WV Fire Marshal's Office and the WV Home Inspectors Association regarding home inspection activities vs. engineering responsibilities was reviewed. The President will work with counsel on the draft, which will be sent to the other two groups for their final approval and signatures before being sent to all interested stakeholders involved in the industry, including realtors, appraisers, home inspectors, and lending institutions throughout the state.

This year marks the 100th Anniversary celebration of engineering licensure. West Virginia Governor Joe Manchin has issued a proclamation recognizing the achievement. The proclamation has been framed for display at the upcoming 2007 Annual NCEES national meeting.

NCEES President-elect Gene Corley assigned Ms. Rosier to the President's Task Force on Computer Based Testing. A motion was made by Mr. Robinson, seconded by Mr. Pierson, authorizing the expenditure of funds to support Ms. Rosier's assignment. Motion carried.

Ms. Rosier reviewed the draft letter she prepared regarding WV Code §30-13-15(c) outlining the proposed procedures for limiting repeat exam takers. The letter was approved with minor revisions for use with the fail letters that will be distributed following the October 2007 exam. The specific language reads *"Effective immediately, any exam applicant who has experienced four (4) or more unsuccessful attempts at passing the Fundamental of Engineering Exam (FE) or Principles and Practice Exam (PE) will be required to submit documentation of evidence of having pursued further instruction in deficit areas. After review of this evidence of additional education, the applicant may be required to appear before the Board to answer any relevant questions the Board may have. This requirement for exam admission is based on WV Code § 30-13-15(c) and is intended to be informational and educational for all parties involved."*

Testmasters, a private company, has notified the Board that they may offer FE and PE exam review classes in West Virginia in the near future if there is adequate participation to fund the instruction.

Mr. Timms continues to talk with the WV Surveyors Board members regarding a joint meeting to address common concerns and potential overlap issues. No date has been set.

The next Board meeting will be held on Tuesday, September 11, 2007 at 9:00 a.m. The meeting will take place at the PE Board office located at 300 Capitol Street, Charleston, WV.

Upon motion by Mr. Robinson, seconded by Mr. Pierson, the meeting adjourned at 3:50 p.m. The Board members will be compensated one day per diem plus travel expenses.

Leonard J. Timms, Jr., P.E.
Board President

Bhajan S. Saluja, P.E.
Board Secretary