

General Session Minutes
State Board of Registration for Professional Engineers
November 18, 2008

The State Board of Registration for Professional Engineers met in Dickason Hall on the campus of Bluefield State College, 219 Rock Street, Bluefield, WV on Tuesday, November 18, 2008. Those present for all or part of the meeting were:

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

The meeting was called to order at 9:35 a.m.

The Board meeting minutes of September 16, 2008 (both executive and general session) were reviewed. A motion to approve the minutes as amended was made by Mr. Pierson, seconded by Mr. Plymale. Motion carried.

The Board budget summaries for September and October 2008 were also received and reviewed. A motion to approve the 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 her participation in recent events and presentations made by her and Mr. Johnson to various groups since the last Board meeting, in addition to reviewing the office's schedule of upcoming activities. A motion was made by Mr. Saluja, seconded by Mr. Plymale, to approve attendance and travel for staff activities outlined in the Executive Director's report and updated 2008 calendar of events. Travel includes Ms. Rubenstein and Mr. Johnson's attendance at the FARB Meeting in Tampa, Florida. Motion carried.

The October 2008 examinations were discussed. Main topics of discussion included the absenteeism rate and three (3) Morgantown FE applicants not allowed to complete the exam due to being late, one in the morning and two in the afternoon. Ms. Rosier reported that the Board will receive no scores from NCEES regarding the morning examinee and the two afternoon examinee scores will be reported as "Incomplete".

The 2008-2009 PE license and COA renewal season and grace period have ended. A total of 93% renewed successfully on-line. Certified letters of lapsed status were sent to 133 PE's, 20 retired PE's and 69 COA companies for failure to renew. Certified COA revocation/invalidation letters were mailed to 18 companies for one of the following: no EIRC, the EIRC failed to renew, or WC/UC default. They were given 30 days to come into compliance. Certified second (final) 7-day notices were mailed November 17, 2008.

The continuing education and PDH compliance audit is in progress. Audit letters were mailed to 389 PE's on October 8, 2008. Second (final) 7-day notices were mailed to 65 PE's (50 no response and 15 insufficient response) on November 17, 2008. Revocation/invalidation letters for those who fail to respond with acceptable information will go out on December 1, 2008

Ms. Rosier reported on her recent attendance at the Computer Based Testing (CBT) Task Force meeting of NCEES. The primary focus of this meeting was to finalize the Request for Information, which has now been provided to the testing vendors, to assist NCEES in determining if the move to CBT is in the Council's best interest. Ms. Rosier also reported on her attendance of the first Member Board Administrators Forum held at NCEES Headquarters. During the meeting, members of the NCEES staff made presentations on services and products offered by NCEES and the process utilized to develop the NCEES exams and changes that are being implemented in the near future. During the afternoon, there was general discussion concerning problems with proctoring candidates and the need for a system to require future examinees to register with NCEES prior to taking an exam to obtain a unique ID. Additional details will be discussed at the upcoming Board Presidents Assembly in February 2009.

Mr. Pierson moved to enter into executive session, seconded by Mr. Plymale. Motion carried.

The Board recessed the executive session at 10:15 AM to hold an administrative hearing on complaint C2009-3. See record of hearing.

After the conclusion of the hearing, the Executive Session resumed. The Board met with the individual involved in inquiry I2009-9 at his request. At the end of this informal conference, the Board recessed for lunch.

During the luncheon, the Board met with faculty, staff and students of the Bluefield State College engineering technology programs. Several items of interest were discussed with this group, including updates regarding the FE application process, comity issues and the ABET process. After lunch, Ms. Rosier made a presentation on licensure and the examination process to a group of engineering technology students and faculty, followed by a question and answer session.

The executive session resumed at 1:00 pm, immediately following the luncheon meeting. At the conclusion of the executive session, Mr. Saluja moved to enter into general session with a second by Mr. Plymale. Motion carried and the Board took the following actions:

1. Mr. Robinson moved that complaint C2008-14 be amended to add additional charges based on updated information. Mr. Plymale seconded and the motion carried.
2. Mr. Robinson moved that complaint C2008-14 be scheduled for hearing at the January 2009 Board meeting if a Consent Order cannot be negotiated. Mr. Plymale seconded and the motion carried.
3. The Board reaffirmed rescinding the 1999 understanding with the WV Department of Health regarding the design of swimming pools. All swimming pools (with the exception of single-family residential pools) in the future shall be designed and sealed by a WV professional engineer. Staff was directed to notify affected parties.
4. Mr. Pierson moved that complaint C2009-4 be dismissed based on additional information provided by the respondent. Mr. Robinson seconded and the motion carried.

5. Mr. Pierson moved that inquiry I2009-3 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Robinson and carried.
6. The Board directed Ms. Hamilton to draft a letter to the subject of I2009-3 calling for more timely response to the Board's request for information.
7. Mr. Robinson moved to rescind its earlier action on inquiry I2009-8 and not proceed to a Board-initiated complaint based on additional information provided by the respondent prior to the complaint being issued. Motion was seconded by Mr. Pierson and carried.
8. Mr. Plymale moved that inquiry I2009-9 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Pierson and carried.
9. The Board directed Ms. Rosier and Ms. Hamilton to draft a response letter to the URS request addressing responsibility associated with assuming the work of another engineering company.
10. Ms. Hamilton reported that the civil action against the respondent in complaint C2004-4 was dismissed without prejudice for failure to effect service of the complaint because the respondent cannot be located. A new action can be filed if he is located.
11. Based on a motion by Mr. Robinson, seconded by Mr. Saluja, the Board took the following actions on Special Cases for Board Action:
 - Per the applicant's request, Charles M. Besjak's comity file was reconsidered and again his application was denied.
 - Christopher B. Cox's request for comity was denied.
 - Rauff H. Mustafa's request for comity was approved.
 - Joseph A. Wright's request for reinstatement was approved.
 - Per NCEES request, the Board maintained the position that the CPEES foreign degree evaluation service must qualify each evaluation, regardless of the country, by continuing to require original transcripts be provided directly by the university.

President Timms updated the Board on his NCEES activities. The Board Presidents Assembly is being held February 20-21, 2009. President Timms and Ms. Rosier will be attending. Board members were encouraged to attend.

Mr. Robinson nominated Mr. Pierson for the Northeast Zone ENNY Award for Mr. Pierson's lengthy and continued service to NCEES and, in particular, the FE Exam committees. Motion was seconded by Mr. Plymale and carried.

The Board directed staff and counsel to keep them apprised of rule-making changes during the upcoming legislative session that may be of interest to the Board.

The Educational Plan of Study initiative for exam re-takers was discussed. President Timms and Ms. Rosier will make the suggested changes to the interview policy so that it will be ready for use in January 2009 for application review for the April 2009 exam.

Mr. Saluja participated as the Board observer in the ABET review at WVUIT on October 5-7, 2008. Feedback from the review was favorable.

The Board reviewed the tentative plans for participation in the 2009 WV EXPO. The Board plans to continue to have an exhibitor booth, to place a one-page ad in the EXPO program to serve as a PDH reporting form, and to conduct a two (2) hour seminar on engineering licensure. The WV Board also plans to integrate into their seminar the additional program co-hosted by the WV Society of Professional Engineers honoring our successful 2008 WV FE and PE examinees. Mr. Robinson made a motion to approve the expenditures for EXPO. Motion was seconded by Mr. Plymale and carried.

A draft of the Board newsletter will be available at the January 2009 meeting. Any articles or other items that the Board wants included in the newsletter need to be received by December 15, 2008.

Ms. Rosier reviewed the 2008 Annual report with the Board. The Board approved the report for submission.

On behalf of the WV Board, Mr. Robinson endorsed the candidacy of President Timms for the NCEES President. The motion was seconded by Mr. Plymale and carried. This is the first step in the election process, as the formal nomination will be made at the Northeast Zone Meeting in Norfolk, VA, in April of 2009. The official election will take place in Louisville, KY at the NCEES Annual meeting in August 2009. Ms. Rosier is to begin the process of preparing the necessary informational brochures and hand outs to support his nomination. These items will be provided to both the NE Zone Members in April as well as the full Council of Member Boards in August.

The next Board meeting will be held on Tuesday January 27, 2009. Ms. Rosier is to confirm with WVU officials that the meeting will take place on the Evansdale Campus in the Andrews Conference Center of the WVU College of Engineering and Mineral Resources Building in Morgantown, WV.

Upon motion by Mr. Pierson, seconded by Mr. Plymale, the meeting adjourned at 4:15 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