

**General Session Minutes**  
**State Board of Registration for Professional Engineers**  
**May 19, 2009**

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street in Charleston, WV on Tuesday, May 19, 2009. 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 9:00 a.m. There were no additions to the agenda.

The Board meeting minutes of the March 24, 2009 (both executive and general session) were reviewed. A motion to approve the minutes with minor amendments was made by Mr. Pierson, seconded by Mr. Plymale. Motion carried.

The Board budget summaries for March and April 2009 were also received and reviewed. A motion to approve the expenditures and purchasing card transactions was made by Mr. Saluja, seconded by Mr. Pierson. Motion carried. Ms. Rosier reported that the P-Card staff indicated their review was complete. The final report is due to be issued in the near future.

The proposed 2009/10 Budget was reviewed. Mr. Robinson moved that the Budget be approved as submitted. The motion was seconded by Mr. Plymale and 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. Robinson, seconded by Mr. Plymale, to approve attendance and travel for staff activities outlined in the Executive Director's report and updated 2009 calendar of events.

The April exam administrations were reviewed. There were no anomalies. The Board discussed the observation that many of the FE examinees appeared much older than the typical college student age. The Board also reviewed the absentee rates to determine if there was any correlation among those not present for the exam. No apparent relationship was obvious.

The 2009-2010 renewal season will begin on Friday, May 22, 2009 with the mailing of the tri-fold renewal notices and activation of the on-line renewal system. Ms. Rosier presented the Board with a schedule for the next three months as the office will be handling the 9400+ notifications disseminated to PEs, company COAs and Retired PEs.

Mr. Saluja moved to enter into executive session at approximately 9:45 am, seconded by Mr. Pierson. Motion carried.

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

1. The Board approved expenses for discovery on Complaint C2009-5.
2. Mr. Robinson repeated the motion that complaint C2009-10 be scheduled for hearing at the July Board meeting. The motion was seconded by Mr. Pierson and carried.
3. Mr. Robinson recused himself from the discussions relating to Complaint C2009-11. The Board directed Ms. Hamilton to send a letter to the Office of Miners' Health, Safety and Training addressing their misstatement in writing regarding the composition of the mining review panel.
4. Mr. Robinson made a motion to schedule Complaint C2009-12 for hearing at the July meeting. The motion was seconded by Mr. Saluja and carried.
5. Mr. Robinson moved that Complaint C2009-13 be scheduled for hearing. The motion was seconded by Mr. Pierson and carried.
6. The Board directed Ms. Hamilton to amend Complaint C2009-15 to add a count for providing misinformation to the Board in connection with the 2007 renewal application.
7. Mr. Saluja moved that Inquiry I2009-19 be received and filed as a Board-Initiated complaint. Motion was seconded by Mr. Robinson and carried.
8. Mr. Robinson moved that Inquiry I2009-24 be received and filed as a Board-Initiated complaint. Motion was seconded by Mr. Saluja and carried.
9. Mr. Robinson moved that Inquiry I2009-29 be received and filed as a Board-Initiated complaint. Motion was seconded by Mr. Saluja and carried.
10. Mr. Robinson moved that Inquiry I2009-30 be received and filed as a Board-Initiated complaint. Motion was seconded by Mr. Pierson and carried.

The Board reviewed a proposal to create an "expedited licensure in lieu of disciplinary action" The proposal was aimed at addressing the individuals/companies that offer to practice engineering in West Virginia before they apply for licensure or while they are in the process of applying for licensure. The Board thought this conflicted with WV Engineering Law, which prohibits the offering of engineering services without a license.

Ms. Rosier reported that a member of the staff is currently on medical leave for 2-3 weeks due to surgery.

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

1. Peng Chen's request to sit for the PE exam was approved.
2. Peter J. Fanara's request for comity was approved.
3. Earl F. Wadell's request for comity was approved.
4. Brian K. Willis' request for comity was approved.

5. Brast Thomas' verbal request for a partial waiver of his PDH requirements due to extenuating circumstances was approved.

The Board directed staff and counsel to keep them apprised of rule-making and other legislative matters of interest to the Board in the upcoming special session of the legislature.

President Timms updated the Board on his NCEES activities. Three zone meetings have been held with one remaining. No major issues were raised at those meetings. The Southern Zone is going to submit a motion at the Annual Meeting requesting that additional undergraduate courses be added to the engineering curriculum as part of the Master's Degree or equivalent proposal. The combined engineering submittal by Florida A&M and Florida State University won the first Annual NCEES Engineering Award in the amount of \$25,000. There are now three candidates for NCEES treasurer and a fourth is anticipated. President Timms is the only candidate for NCEES President-Elect.

Board attendance at the NCEES Northeast Zone meeting in Norfolk, Virginia was exceptional. President Timms attended along with Board members Mr. Robinson, Mr. Saluja and Dr. Pierson. Staff members Ms. Rosier and Mr. Johnson also attended. Dr. Pierson was recognized at the annual NCEES Awards luncheon for his distinguished service to NCEES.

The Annual NCEES Meeting is scheduled for August 12-15, 2009 in Louisville, Kentucky. Attendance is encouraged. Ms. Rosier will send out reminders and ask for registration confirmations no later than June 26, 2009.

The Washington Accord is no longer being honored by NCEES as their CPEES staff has found many discrepancies and deficiencies when evaluating foreign degrees that fall under this category. NCEES also announced that CPEES will not be evaluating distance learning at this time as there is no defined ABET standard at this time.

The Board is seeing an increase in the number of comity applications. A possible reason for such an increase is due to current economic conditions and many firms seeking work in multiple states. As reported at the NE Zone meeting, four states now require NCEES Council records as a component of the comity application process, stating such a requirement makes for a thorough and uniform review and presentation of qualifications for applicants.

Ms. Rosier reminded the Board that last year ELSES announced an examination administration fee increase from \$80 to \$100. ELSES also announced it is no longer a LLC, which is now part of NCEES and a new ELSES contract for exam administration will be forthcoming.

The NCEES structural exam will become a 16-hour exam beginning in April 2011. WV engineering law will have to be amended to reflect this change. Current WV code currently states an "8-hour" exam for each of the FE and PE exams.

The examination repeat takers notice was reviewed by the Board. Ms. Rosier requested Board members to review the questions for those examinees requiring an interview with the Board. In the April exam there were 8 plans of study and one interview for the PE exam, and there were 31 plans of study and one interview for the FE exam. It is anticipated that this number will continue to increase unless there is a drastic improvement in the WV examinee pass rates.

The Board participated in the 2009 WV Equipment, Technology and Design Exposition. The annual continuing education session was presented by the Board, staff and counsel. The Second Annual recognition ceremony for those who passed the NCEES Principles and Practice

Exam or Fundamentals of Engineering Exam in WV in 2008 was held. This event is sponsored by the WV Society of Professional Engineers. Even though successful examinee attendance was not what both groups had hoped, the Board agreed to continue participation in the recognition ceremony in 2010.

The ABET evaluation for Marshall is scheduled for September 13-15, 2009. Both WVU and WVU Tech (Engineering Technology programs) are scheduled to go through the ABET evaluation this year as well. The dates for those evaluations have not been provided to the Board. Board member participation is encouraged.

The September Board meeting was rescheduled for September 22, 2009 due to the conflict with the Marshall ABET evaluation.

Ms. Rosier has been in contact with Counsel for the House Committee on Government Organization regarding the study to update the WV Engineering Law. The legislative contact indicated this will involve reviewing the board's statute, updating it to current format and updating to current standards of practice. As a start, we have been asked to review practice acts of surrounding states. A total of five WV Boards are being reviewed.

The Surveyors Board was unable to meet in June and discuss practice overlap issues due to their current complaint load. The Surveyors Board did agree to review the list of practice overlap issues with the WV Society of Land Surveyors to gain their input.

The next Board meeting will be held on Tuesday July 21, 2009. The meeting will take place at the PE Board office located at 300 Capitol Street, Charleston, WV.

Upon motion by Mr. Pierson, seconded by Mr. Saluja, 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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**Leonard J. Timms, Jr., P.E.**  
**Board President**

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