

General Session Minutes
State Board of Registration for Professional Engineers
September 19, 2005

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street - Suite 910 Charleston, WV on September 19, 2005. Those present for the general session were:

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

The meeting was called to order at 9:10 a.m.

The Board meeting minutes of July 18, 2005 (both executive and general session) were approved as read.

A motion to approve the July-August expenditures and purchasing card transactions was made by Mr. Robinson, seconded by Mr. Saluja. Motion carried.

Ms. Rosier presented the Executive Director's report and addressed all Board questions and comments.

The April FE/PE exam results were discussed. Ms. Rosier reported that two universities from other states with much higher pass rates require engineering students to take a one hour fundamentals review course. The Board will discuss this with the state schools during upcoming visits.

The upcoming October 2005 FE and PE exams were discussed. The number of applicants for the PE is consistent with previous exams. The number of applicants, as well as requested fee waivers, is down significantly from the April 2005 exam. Ms. Rosier and Mr. Johnson serve as observers for the Charleston exams, while Mr. Timms will be an observer at the Morgantown site. ELSSES exam administrators have once again been contracted to facilitate the exam administrations.

The annual renewal process continues. As of September 15, 2005, 97.8% of the PE's, 94.7% of the Retired PE's and 97.2% of the COA's have renewed. Final notices regarding the official lapse of licenses and COA's will be sent by certified mail no later than October 10, 2005. The PDH audit will begin in early October and should be complete on or before the date of the next Board meeting.

The Ethics course for Engineers and Surveyors has been moved to the Spring of 2006 due to other Board staff commitments. The Board staff intends to work jointly with the Surveyors Board, the WV ASCE and other professional societies to put on the event.

Ms. Rosier reported the Board's Annual newsletter had been submitted by MapleCreative to the WV Public Relations Society and won first place for newsletters of its type. The Board's

advertising campaign with posters and tee shirts won an honorable mention. The Board congratulated staff and the vendor for the accomplishment and much-deserved recognition.

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

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

1. The Board reviewed each parties proposed Findings of Fact and Conclusions of Law provided by the attorneys on Complaint C2004-6. Based on the hearing held in July and the documents above the Board found that the respondent did practice engineering in West Virginia without a license and that his actions did deceive and defraud the public. The Board directed Ms. Hamilton to draft the final order from the Board assessing penalties of \$2000 and administrative costs of \$1500.
2. The Board directed Ms. Hamilton to negotiate a consent agreement on complaint C2005-4. The respondent verbally agreed to a settlement rather than proceeding on to the hearing noticed for 1:00pm today.
3. The Board moved that the following Inquiries be moved to formal complaints:
 - a) I2005-10
 - b) I2005-12
 - c) I2005-13
4. The Board took the following actions on Special Cases for Comity Application approval:
 - a) John A. Rusnak's additional document experience was reviewed and found acceptable. His PE application file was approved for processing.
 - b) Jeffrey W. Kuehn's comity application was reviewed once again based on his request to appeal the Board's previous decision to deny his original submission because of the lack of acceptable engineering education. The Board upheld their previous decision because of the lack of an ABET-approved engineering degree as required by WV Code.
5. The Board reviewed a special inquiry made by Mr. Robert Robertson regarding his experience and qualifications to allow him to sit for an upcoming PE exam. The Board pre-approved his qualifications, pending exam application with acceptable references and employment verifications.

The 2005 NCEES Annual Meeting was held in Memphis. Two Board members and two staff attended (President Timms, Rick Plymale, Lesley Rosier, and Don Johnson respectively), with Board's attorney attending the last day's Law Enforcement session. The session as always was useful and informative. Items including increasing the educational requirements for licensure, an engineering practice exam and a new licensure model along with a number of lesser items were debated and discussed. Most were referred to committees for further study. Training sessions on ethics and Law Enforcement were held. Ms. Rosier served as the National MBA Spokesperson and conducted one session of the MBA Forum on the group's behalf. President Timms was a participant in a mock hearing as part of an all day session on Law Enforcement. He currently serves as an active LE committee member as well.

Host plans for the 2006 NCEES Northeast Zone meeting scheduled for Charleston continue. Most of the arrangements have been completed. Finalization of the special tours and after-hour events continue. During the above-noted NCEES Annual Meeting, plans were presented to the NE Zone delegates in attendance and were very well received.

A second article has appeared in the Engineering Times applauding the fee waivers being offered by the West Virginia Board.

The Board's annual report is essentially complete. It will be delivered to the appropriate state offices in October after the renewal grace period ends and the official 2006 licensee roster is complete and printed for inclusion.

A letter has been received from ABET/ECEI clarifying how they will handle foreign degree reviews under their new guidelines. The WV PE Board found their new procedures for handling previously evaluated foreign degree transcripts to be acceptable, notwithstanding a concern regarding the possible deficiencies with previously received evaluations. Ms. Rosier will continue to work with ECEI on the matter.

ABET contacted the Board regarding their upcoming visits to Marshall University and WV State University to review their two year technology programs. The Board chose not to participate in the visits since it does not recognize two year degrees as acceptable engineering education to enter the licensure tract.

The Board directed Ms. Hamilton to draft and Ms. Rosier to send the letter to WV State University asking them to remove "engineering" from the name of Electronics Engineering Technology program they offer since it is a 2-year technology program and this appears to be misleading to student prospects, graduates and the public.

Proposed revisions to the WV engineering rules were discussed. Mr. Johnson and Ms. Hamilton have been asked to develop a "needs and wants" list for presentation at the next Board meeting. The proposed revisions would be submitted for the 2007 legislative session during late Spring 2006.

The PE review course organized by the WV Younger Member Forum of ASCE is in progress. The Marathon Weekend using local qualified faculty (PE's) is scheduled for early October. The Society of American Military Engineers is also offering the PE webinar review course at the Corps of Engineers office in Huntington. Interest and participation in all courses has been very good. Plans are to offer the course again next year and include other areas of the state. Ms. Rosier passed along sincere appreciation from the ASCE YMF officers and course participants for recognizing the need and providing the necessary financial support.

Ms. Rosier informed the Board she had been in contact with the Governor's office regarding vacancies on this Board. Appointments for this Board were not made during the recent September special session of the legislature. The Governor's office staff reassured Ms. Rosier that replacements should be considered if another special session is held during November or, at the latest, during the regular session in January 2006.

The Council on Licensure, Enforcement, and Regulation (CLEAR) has offered to teach an investigator's course in Charleston if sixty registrants will commit to attend the course. Both basic and advanced investigation courses will be offered. Board participation was encouraged and both staff and members showed an interest.

Upcoming meetings of the Federation of Associations of Regulatory Boards (FARB) were reviewed. Ms. Hamilton will be attending the Board attorney's meeting in October. Ms. Rosier and/or Mr. Johnson will be attending the annual meeting in February.

The Board's Goals and Objectives for FY 2006 were reviewed and discussed in detail. The Primary goals were revised and ranked. President Timms and Ms. Rosier will work on revising the document for presentation at the November meeting.

The next Board meeting will be held on Tuesday November 15, 2005 at 9:00 a.m. The meeting will take place in the Office of the WV State Board of Registration for Professional Engineers, 300 Capitol Street – Suite 910, Charleston, West Virginia. The meeting was originally scheduled to be held at the WVUIT campus but was changed to the Charleston office due to staff commitments. Ms. Rosier will alert Tech administrators as well as the Secretary of State's office of the change in venue so the public meeting announcement will be properly issued.

Upon motion by Mr. Robinson, seconded by Mr. Plymale, the meeting adjourned at 2:40 PM. 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