

**General Session Minutes
State Board of Registration for Professional Engineers
September 29, 2009**

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street in Charleston, WV on Tuesday, September 29, 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
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 for July 21, 2009 (both executive and general session) were reviewed. A motion to approve the minutes as amended was made by Mr. Saluja, seconded by Mr. Pierson. Motion carried.

The Board budget summaries for July and August 2009 were received and reviewed. The detailed P-card expenditures were also received and reviewed. A motion to approve the expenditures and purchasing card transactions was made by Mr. Robinson, seconded by Mr. Pierson. Motion carried. Mr. Robinson made a motion that the Board reimburse the building owner \$250 for costs incurred in determining if the design floor loading was adequate for proposed fireproof file cabinets. Motion was seconded by Mr. Pierson 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. Pierson, seconded by Mr. Robinson, to approve attendance and travel for staff activities outlined in the Executive Director's report and updated 2009 calendar of events, including Sue Rubenstein's and Don Johnson's travel to the upcoming FARB Seminar.

The Annual NCEES Meeting was held August 12-15, 2009 in Louisville, Kentucky. The entire Board, Ms. Rosier, Mr. Johnson and Ms. Cofer attended. President Timms was elected to the office of NCEES President-Elect at the meeting.

The upcoming October 2009 exam administration was discussed. The number of PE applications increased from previous exam administrations. There were six plans of study submitted with PE exam applications and one interview was held. The number of FE applications decreased this exam administration and was attributed to the change in the registration schedule. Many students were away on summer break from college when applications were due. There were a total of twenty-two plans of study submitted with FE exam applications and three interviews were held. Ms. Rubenstein and Ms. Rosier will serve as Board observers to monitor the exams in Charleston and President Timms will monitor in Morgantown.

The 2010 renewal is nearing completion. The last reminder has been sent and lapse letters will be mailed out via certified mail next week. Online renewal response has been excellent with only 191 PEs, 21 Retired PEs and 91 COAs not renewed to date. On-line renewal concerns have been minimal with an estimate of 10 or fewer concerns out of more than 9000 (<0.1%) license or COA renewals. The annual continuing education audit is in progress and audit notification letters will be mailed the week of October 12th.

Mr. Pierson moved to enter into executive session at approximately 9:30 a.m., seconded by Mr. Robinson. Motion carried.

The Board recessed the meeting and Executive Session at 11:00 a.m. to hold an informal conference on inquiry I2010-6.

After the conclusion of the conference, the meeting and Executive Session resumed.

The Board recessed the meeting and Executive Session at 1:00 PM to hold an administrative hearing on complaint C2009-12. See record of hearing.

After the recess of the hearing, the meeting and Executive Session continued.

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

1. The Board directed counsel to draft a letter to the respondent in complaint C2008-14 formalizing the payment agreement. If civil penalty payments are not made as proposed by the respondent, counsel is directed to enforce the Consent Order in the Circuit Court of Kanawha County.
2. Mr. Robinson made a motion that complaint C2009-15 be dismissed. Motion was seconded by Mr. Pierson and carried.
3. Mr. Pierson made a motion that complaint C2009-21 be scheduled for hearing at the November Board meeting if a settlement cannot be negotiated. Motion was seconded by Mr. Saluja and carried.
4. Mr. Robinson made a motion that complaint C2009-23 be scheduled for hearing at the November Board meeting if a settlement cannot be negotiated. Motion was seconded by Mr. Pierson and carried.
5. Mr. Robinson made a motion that complaint C2009-24 be scheduled for hearing at the November Board meeting if a settlement cannot be negotiated. Motion was seconded by Mr. Saluja and carried.
6. Mr. Robinson moved that complaint C2010-6 be scheduled for hearing at the November Board meeting. Motion was seconded by Mr. Pierson and carried.
7. Mr. Pierson moved that inquiry I2010-2 be received and filed as two Board-initiated complaints. Motion was seconded by Mr. Robinson and carried. Both respondents will be notified to Cease and Desist from performing any additional work in West Virginia.
8. Mr. Robinson moved that inquiry C2010-03 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Pierson and carried.

9. Mr. Pierson moved that Inquiry I2010-5 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Saluja and carried.
10. Mr. Robinson moved that inquiry I2010-6 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Saluja and carried.
11. The Board directed Ms. Rosier to survey engineering schools in West Virginia to determine if advanced engineering subjects are being taught by WV Professional Engineers.

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

1. Jinyan Sun's request to sit for the FE exam was approved.
2. Marcus J. Cope's request for comity was approved.
3. Carl V. Deicas' request for re-instatement was placed on hold pending the outcome of the complaint filed against him by this Board.
4. Matthew L. Dunlap's comity application was denied again upon the reconsideration request by the applicant.
5. Daniel I. Nwosu's request for comity was approved.
6. Jeffrey S. VanMatre's request for comity was approved.
7. George B. Wright's request for comity was denied again upon the reconsideration request by the applicant until such time applicant can obtain documentation of the appropriate ABET accreditation of his university program.
8. The Consolidated Public Retirement Board (CPRB) has requested unused leave information on a former employee, now deceased. The State Budget Office and Auditors Payroll Director have provided all available information. Mr. Pierson made a motion for Ms. Rosier to forward the information gathered to the CPRB. Mr. Saluja seconded and the motion carried.
9. Mr. Pierson made a motion to approve a 3.75% merit raise for all Board staff effective immediately. Mr. Saluja seconded and the motion carried. (It should be noted that currently the Board remains subject to the Governor's hiring freeze. Seeking a qualified replacement for the recent administrative staff resignation continues to be on hold and therefore all staff members have been assigned additional duties to cover the responsibilities previously assigned to the departing staff member).

President Timms updated the Board on his NCEES activities. He and Mr. Pierson attended the EPE meeting in Salt Lake, Utah. Ms. Rosier discussed her NCEES Board meeting attendance and the highlights of the MBA Forum activities in Louisville.

Mr. Pierson reported that the ABET evaluation for Marshall was held September 13-15, 2009. Preliminary results were very good. No major issues were identified. The final report will not be issued until July 2010. Mr. Saluja will be serving as a Board observer for the WVUIT Engineering Technology TAC programs ABET evaluation in late October. President Timms will be serving as a Board observer for the WVU ABET evaluation in mid-October.

The Board elected new officers for the upcoming year:

- Mr. Robinson was elected Board President
- Mr. Pierson was elected Vice President
- Mr. Saluja was re-elected at Secretary.

Their terms will begin on November 15, 2009.

The November 2009 Board meeting was originally scheduled to be held at WVUIT in Montgomery, WV. Due to impending hearings the meeting has been rescheduled to take place at the PE Board office located at 300 Capitol Street, Charleston, WV on Tuesday November 17, 2009.

Upon motion by Mr. Pierson, seconded by Mr. Saluja, the meeting adjourned at 5:00 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