



# A Century of Service

1921 – 2021

# INTERchange

Informing Professional Engineers of developments that influence their honored profession

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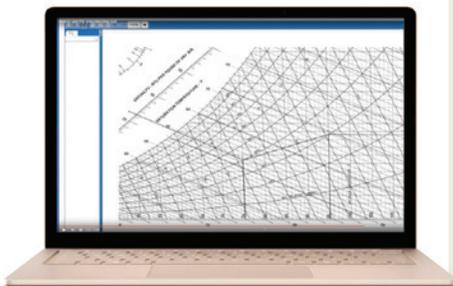
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INSIDE  
VOLUME 17  
FALL  
2021



## Nearing the Finish Line

**LESLEY L. ROSIER-TABOR, PE,  
EXECUTIVE DIRECTOR**



*CBT uses traditional multiple-choice questions and alternative item types (AITs). AITs assess technical knowledge of examinees using methods not available via pencil-and-paper testing. All questions are scored as either correct or incorrect with no partial credit. AITs include:*

- **Multiple correct** – select multiple answers
- **Point and click** – click on part of a graphic to answer
- **Drag and drop** – click on and drag items to match, sort, rank, or label
- **Fill in the blank** – type out a response to the question

After a decade of transition, NCEES is about to cross the finish line in grand fashion! In preparation for this article, I began searching back through my files to refresh my memory of when I first was asked to join the NCEES Computer-Based Testing Task Force. Little did I know I would play a small part in a monumental movement ... nearly a century of testing via paper-and-pencil exams transitioning to this “new-fangled” computer-based testing concept. We certainly weren’t the first profession to take the leap ... in fact, we were nowhere close. Although we are professional engineers who are immersed each and every day in solving highly complex problems and using the latest technology to do so, we are also typically ultra-conservative by nature. Perhaps I should qualify that statement by saying this has certainly been my experience being involved with NCEES and the work of the hundreds of Board members and staff leaders from jurisdictions who serve on NCEES Committees and/or attend annual meetings to cast their votes on moving this organization forward. We are known to study issues in depth, discuss, think, rethink, deliberate, study some more (to a point of ad nauseam at times), before making a decision. But I realize that is ok ... we want good, solid answers, we need the safety factor, we set the highest of expectations and do not want to settle for less ... after all, that’s how we were trained when completing our rigorous engineering curricula, right?

This lengthy process was certainly the case when it came to NCEES making the move to computer-based testing (CBT). NCEES had considered moving its exams to CBT for many years. In 2007, a task force was created to revisit the possibility of CBT and to update the previous 1999-2000 study. I was proud to be asked to serve as a member of this group. After several years of intense research, our task force made a motion at the 2010 annual meeting to convert the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) exams from pencil-and-paper exams to computerized exams; the motion passed. NCEES began the process of transitioning exams to CBT the following year in 2011. Two years later, the Council also approved transitioning the Principles and Practice of Engineering (PE) and Principles and Practice of Surveying (PS) exams as soon as feasible. On January 2, 2014, the FE and FS exams were first administered via CBT.

CBT offers many benefits, such as enhanced security for exam content and more uniformity in testing conditions. For most exams, it also provides greater scheduling flexibility. All FE exam disciplines, all FS and PS exams, and most PE exam disciplines are now administered via CBT at Pearson VUE test centers. The 2 remaining NCEES PE exam disciplines are now in the conversion process and scheduled to launch via CBT between now and 2024.

- **PE Civil Exam** – Last paper administration was October 2021. Beginning November 1, 2021, examinees now register and schedule CBT appointments directly with NCEES, which will be available year-round starting on April 1, 2022.
- **PE 16-hour Structural** – The PE 16-hour Structural exam will be offered in paper-and-pencil format regionally beginning with the April 2022 administration.

To obtain the most up-to-date information regarding the transition, exam specifications and exam administration/registration, visit the NCEES website at [www.ncees.org](http://www.ncees.org). For those reading this article who are already licensed, you may find it interesting to view the Pearson VUE CBT testing demo on the NCEES website. I know I did! The opportunities are vast when it comes to how we can now test for minimum competency of our upcoming licensees and the future of our profession. I am proud to have played a small part early on in this CBT movement and decision-making process. However, over the last decade I have stood in awe of the drive and tenacity displayed by NCEES leadership, staff and the hundreds of volunteers (who continue to spend countless late nights and weekends of their own time to write sample exam questions for consideration by the experts) to make it happen. I offer my heartfelt-thanks and congratulations to all involved as it is certainly an accomplishment for our profession to be proud of.

*\*\* Note: Portions of this article were reprinted, with permission, from the NCEES website.*

# Celebrating 100 Years!

1921 – 2021

## The WV Board of Professional Engineers and the WV Board of Architects Turns 100!

**THE WEST VIRGINIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND THE WEST VIRGINIA BOARD OF ARCHITECTS CELEBRATED 100 YEARS OF PROTECTING THE PUBLIC ON JULY 27, 2021.**

Both Boards were created by Legislative Acts on July 27, 1921 and have been protecting the health, safety, and welfare of the citizens of West Virginia ever since.

"We are pleased to be celebrating this important milestone," stated Adam Krason, President of the Board of Architects. "For 100 years, we have worked to protect the health, safety, and welfare of West Virginians by ensuring the quality of the built environment through regulations that required registered architects and professional engineers to meet rigorous education, examination, and experience standards."

Garth Thomas, Jr., President of the Board of Professional Engineers added, "A century of service to the public and professions is a notable event. Our Boards are committed to the continued protection of the public through licensure and registration of professionals who are well qualified to design our physical infrastructure."

The West Virginia Board of Architects held its first meeting on October 24, 1921 in the Hotel Kanawha in Charleston. The Board joined the National Council of Architectural Registration Boards (NCARB) in 1942 in order to work with other states focusing on public protection, model law, and uniform standards for architects. Two West Virginia architects have served as the president of NCARB, and one West Virginia architect served as the president of the National Architectural Accrediting Board. Numerous dedicated and distinguished architects and public members have assisted the public by serving on the board at the invitation of the Governor. Currently 1,270 architects are licensed to practice in West Virginia, and the Board is composed of five architects from around the State and two public members. The Board Office is now located at 405 Capitol Street in Charleston in the former Daniel Boone Hotel, where the Board previously met in the 1940s.

The West Virginia State Board of Registration for Professional Engineers called its first meeting to order at 10:00 a.m. on November 21, 1921. This meeting took place in the Coyle and Richardson Building in downtown Charleston. The PE Board joined the National Council of Examiners for Engineering and Surveying (NCEES) in 1921 as well, in order to work with other states to determine ways states could improve uniformity, promote reciprocal interstate relations and develop model law to protect public health, safety and welfare. One West Virginia professional engineer has served as the national president of NCEES during 2010 - 2011, and dozens of other professional engineers from West Virginia have dedicated countless volunteer hours over the years to serve on national NCEES committees and assist with exam development needs. With nearly 9,100 professional engineers licensed to practice in West Virginia, 5 of those distinguished professional engineers comprise the WV PE Board by gubernatorial appointments. The current WV PE Board members have distinguished careers in both engineering education and consulting in the great state of West Virginia, representing over 213 years of combined registered engineering service among them. Originally formed by act of the WV Legislature on July 27, 1921, under then Governor Ephraim Franklin Morgan, the WV PE Board Office is now located in the former Kanawha Valley Bank Building at 300 Capitol Street in Charleston, WV.

*As noted in the 2020 Fall Interchange, NCEES also celebrated 100 years of existence last year. To commemorate their centennial, they developed a webpage dedicated to their rich history at [ncees.org/100](https://ncees.org/100). With NCEES permission, the WV PE Board is proud to showcase a selection of photos and dates chosen from their virtual timeline throughout the sidebars of this newsletter. For our 2022 Fall Interchange, we will be providing our own historical photos and references for your enjoyment. Stay tuned!*

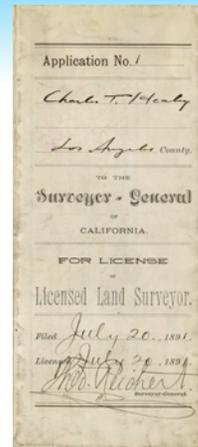


## Board Updates

### 2021-22 BOARD LEADERSHIP ELECTION RESULTS

During the May 20, 2021 Board meeting, the WV PE Board held officer elections for the upcoming fiscal year, FY2022. Upon unanimous vote, the current officers are:

- **Mr. Garth Thomas, PE**  
Board President
- **Dr. Larry Nottingham, PE**  
Board Vice-President
- **Mr. L.A. Gates, PE**  
Board Secretary



**1891**

California passes the first surveying licensure law, followed in 1907 with Wyoming passing the first engineering licensure law.



**1920**

At a meeting in Chicago, the Council of State Boards of Engineering Examiners (CSBEE) is founded by 7 of the 10 state boards with engineering and surveying licensing laws.



# Licensure Mobility

## PATHWAYS TO ENHANCEMENT

GARTH E. THOMAS, JR., PE, BOARD PRESIDENT



Many licensed engineers work in multiple states and must maintain a current license in each jurisdiction to legally practice their profession. Maintaining multiple licenses creates a burden on the licensee to remain current with the requirements of all controlling licensing authorities, and there is the cost of the fees entailed with renewing multiple licenses. An additional burden is imposed when a professional expands the geographic scope of their practice and must apply for additional licenses. Depending upon the requirements for licensure and documentation required, the application process could be difficult and time consuming. These concerns are all aspects of the overall problem of licensure mobility.

and require all applicants to follow the same process. For states that do permit licensure by comity, the degree to which the application process is expedited can be quite variable. The best current scenario is that a number of boards can issue a license within a week or two after receiving an application if the applicant meets the standard of the NCEES Model Law Engineer and maintains a current set of credentials with NCEES. The process will be longer for those who don't meet model law requirements or don't have an NCEES record. Some boards also require verification documents to be submitted using their specific format and forms, regardless of whether an applicant has a current NCEES credential file. The American Society of Civil Engineers (ASCE) has advocated in Policy Statement 464 that all states adopt the expedited comity process based on NCEES model law and credentials. The National Society of Professional Engineers (NSPE) also advocates for states to align their PE licensing laws with the NCEES Model Law and Model Rules, including continuing education requirements.

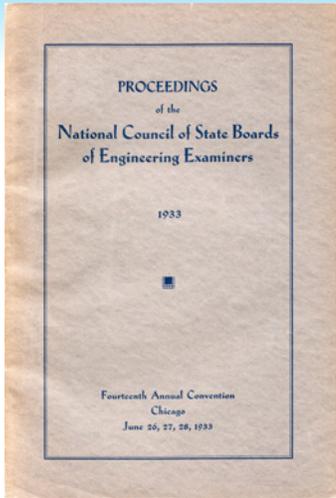
A serious drawback to the current comity approach is that licensing jurisdictions can have differing requirements for licensees. Some examples: licensing graduates of four-year technology programs, waiving the requirement to pass the FE examination for applicants with advanced degrees or enough years of experience, and considering co-op experience as part of the years of experience. A possible result is that a candidate that has a valid license in state A cannot be licensed in state B because of differences in the qualification requirements. While NCEES has advocated that licensing boards should attempt to reduce these differences in requirements, progress on this front is likely to be slow and incomplete.

Some states have attempted to address the limitations of the comity model by implementing a so-called "universal" licensing law. An example is the model legislation developed by the American Legislative Exchange Council (ALEC).

Critics of professional licensure point to the requirement to maintain a license in each jurisdiction of practice as a restriction of trade. The argument is that restrictions on the free mobility of professionals reduce the number of available practitioners, increasing the costs of professional services. This concern has prompted a number of state legislative bodies to consider and in some cases enact modifications to their professional licensing requirements. Legislative actions concerning mobility fall into three broad categories: interstate reciprocity, so-called "universal" licensing laws, and interstate compacts.

Most engineering licensing boards currently implement interstate reciprocity through the process of licensing by comity. If this process met the strict definition of comity, a license issued in one jurisdiction would be valid for practice in another, as is generally the case for drivers and marriage licenses. However, the actual implementation of comity results in the reciprocating board providing an expedited application process for a license. This is the model that is supported by the National Council of Examiners for Engineers and Surveyors (NCEES).

Unfortunately, there are several limitations on this approach. Some states don't permit licensure by comity



### 1933

NCSBEE revises the Constitution and Bylaws to create a board of directors, zones, and the position of executive secretary.



### 1953

The four geographic zones hold their first interim meetings, where member boards discuss issues of common interest.

The ALEC model legislation would grant a license to any applicant who meets the following provisions: holds a current license in another state with a similar scope of practice, has held the license in the other state for at least one year; was required by the other state to pass an examination and/or meet education and experience standards, is in good standing with the other state licensing board, does not have a disqualifying criminal record, has not had a professional license revoked or surrendered because of negligence or intentional misconduct, and does not have a complaint, allegation or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime. Such legislation could be viewed as a streamlined version of licensure by comity.

To date, Montana and Pennsylvania have adopted licensing legislation based on this model. However, the standards for licensure in the applicant's home state must be at least as stringent as those required by Montana and Pennsylvania. Arizona, which has similar legislation, limits its provisions to applicants who are moving to Arizona or are spouses of a military service member stationed in Arizona. Other states have considered or are considering legislation that would at least broadly follow the ALEC model. While this licensing model simplifies the process of obtaining licenses in multiple jurisdictions, it does not eliminate the need to maintain separate licenses, or the expenses involved with multiple licensing fees. There is the issue of determining if the requirements for licensure in the home state are substantially equivalent to those of the state receiving the license application.

A third approach to license mobility is the development of interstate compacts. Under such compacts a licensee in a compact state is considered to have a valid license to practice in all other states that are parties to the compact. This is the model developed by the National Council of State Boards of Nursing. To date, 38 states have joined a compact that permits nursing licensees

of a compact member state to use their license in any other member state. A similar model has been adopted by the National Association of State Boards of Accounting, and the majority of states represented by member boards have joined the mobility compact. The NSPE's Future of Professional Engineering Task Force recommended that NSPE consider supporting multistate agreements that provide reciprocity between states if an individual is determined to be eligible for licensure in one of the signatory states. The examples of the nursing and accounting compacts indicate that it would be necessary for a national professional organization to undertake the lobbying effort necessary for state legislatures to enact a similar compact for engineering licensure.

Other ideas related to mobility that were recommended by the NSPE task force were to explore support of temporary licenses for engineers who move to a new jurisdiction (some licensing jurisdictions already provide these) and explore support of project-specific licensure in a jurisdiction where an engineer is not licensed, provided that a local PE is involved in the project. The later idea could address the needs of engineers who occasionally practice within a licensing jurisdiction.

This brief survey shows that there are several pathways that can be taken to enhanced licensure mobility. Improvement of the current comity model is the approach advocated by NCEES, while the current trend in legislative bodies is to consider variants of "universal" licensing laws: although the result may be an enhanced comity process. Other professions have had success with multistate compacts providing license transferability. Licensing boards and the legislatures that grant them authority should be open to considering any approach that improves mobility while maintaining qualifications sufficient for the protection of the public.

#### Sources used for this article:

American Society of Civil Engineers, Policy Statement 464 - Professional Licensure Mobility, [www.asce.org/advocacy/policy-statements/ps464---professional-licensure-mobility](http://www.asce.org/advocacy/policy-statements/ps464---professional-licensure-mobility)

American Legislative Exchange Council, The Model Interstate-Mobility And Universal-Recognition Occupational Licensing Act, [www.alec.org/model-policy/model-interstate-mobility-and-universal-recognition-occupational-licensing-act-the-free-dom-to-travel-and-work-act/](http://www.alec.org/model-policy/model-interstate-mobility-and-universal-recognition-occupational-licensing-act-the-free-dom-to-travel-and-work-act/)

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National Council of State Boards of Nursing, The Nurse Licensure Compact, [www.ncsbn.org/compacts.htm](http://www.ncsbn.org/compacts.htm)

National Association of State Boards of Accounting, CPA Mobility, [www.cpamobility.nasba.org/](http://www.cpamobility.nasba.org/)

National Society of Professional Engineers, On the Move, PE Magazine, January/February 2019, [www.nspe.org/resources/pe-magazine/january-2019/the-move](http://www.nspe.org/resources/pe-magazine/january-2019/the-move)



# Nearly 20 Years of Enforcement

## INVESTIGATOR'S CORNER

AARON ARMSTRONG, PE, BOARD INVESTIGATOR

### REMINDER:

All disciplinary actions, address changes, employer or email updates should be reported to the Board within 30 days. All submissions, new licenses issued, as well as any recent Board action to the status of a licensee will appear immediately unless staff verification is required before posting. Should you have any questions on the status of a WV PE or COA, simply contact our office for assistance.



Need to practice in multiple states?

Build an NCEES Record >

## 1979

The Council renames the National Bureau of Engineering Registration, which was created in 1932, as the Records Program.



## 1981

Dedication is held for new headquarters building in Clemson.

### The Importance of the Fourth "E" in Engineering Licensure

It's safe to say that most professional engineers understand the importance of licensure and how one becomes licensed. Commonly referred to as the "3-legged stool", the aspects of Education, Examination, and Experience are required to obtain a PE license. In general, the qualifications necessary in WV to become registered include:

- 1. Education** - an ABET accredited engineering degree
- 2. Examination** - passage of the NCEES FE and PE exams
- 3. Experience** - 4 or 6 years of progressive engineering experience

These 3 "E's" make up the 3-legged stool; however, I submit to you the fourth leg of the stool: Enforcement. With the Board's Executive Director being hired in 2002, the modern era of the Board's enforcement program began and we are now approaching nearly 20 years of active enforcement. While the Board's mission to safeguard life, health and property and to promote the public welfare has not changed, actively enforcing WV Engineering law has increased dramatically over the past 20 years. In 2003 the Board hired its first investigator, and since that time, and more recently, the Board's enforcement program has been one of the most active programs nationwide.

When one becomes initially licensed in WV, one typically has met only a threshold level of minimum competency at that point. In reality, it's merely the beginning of his or her professional career. Everyone will not perform at an appropriate level and the Board is obligated to address these failures by providing protection to those who have every reason to expect it. Thankfully, these failures are a product of a relatively small segment of our professional community. Left unchecked, however, this small segment will cause irreparable harm to the public and cause great harm to the profession.

A number of years ago, the Board began to publish performance measures that summarized some of the Board's work. These measures are updated on a regular basis and can be found on the Board's website at [www.wvpebd.org/Performance-Measures-Outcomes-Agency-Stats](http://www.wvpebd.org/Performance-Measures-Outcomes-Agency-Stats). Concerning the enforcement statistics, the following is a summary of the performance measures showing increased enforcement of WV Engineering Law over the years:

- The number of opened complaints has progressively increased by approximately 40% in the past 5 years.
- The average time (in days) to resolve a complaint has decreased by approximately 48% in the past 5 years.
- The average percentage of dismissed complaints remained relatively steady in the past 5 years (approximately 23%).
- The number of continuing education (PDH) audits remains steady at approximately 4.4% of all renewals being audited.

As a reminder, any PE renewal can be audited per WV Engineering law, and the law requires a minimum of 3-5% of all renewals to be randomly audited for compliance with the PDH requirements.

To delve further into the summary items above, it should be known that the number of complaints, while increasing, is still a very small percentage of the total registrants. In fact, the percentage of formal complaints filed against total registrants is less than 1%! This goes to show that basically all of the registrants are following WV Engineering law (or unlawful actions are yet to be reported or discovered by the Board). I like to believe the former, but the realist in me knows that there are probably more potential violations out there that go unnoticed. With that said, I point you to a Rule of Professional Responsibility found in WV Code R. §7-1-12.3(h) which states "Registrants having knowledge of possible violations related to the practice of engineering as set forth in statute or these rules, including the Rules of Professional Responsibility, shall provide the Board with information and assistance necessary to the final determination of the violation."

Concerning the time it takes to resolve a complaint, it is totally a team effort and as the Board's Investigator I cannot take full credit for the efficiencies gained in complaint resolution. The Board's counsel, Edward Eagloski, has been a key player in complaint resolution and his efforts to resolve these complaints efficiently have not gone unnoticed. While I am certain nobody would enjoy having a complaint filed against them, I can assure you that if you ever find yourself in that situation, the complaint will be resolved as quickly, and professionally, as possible.

There are no nationwide statistics readily available concerning the number of filed complaints, complaint resolution time, number of dismissed complaints, and number of PDH audits conducted by other jurisdictions. However, there is a repository kept at the national level by the National Council of Examiners for Engineering and Surveying (NCEES) called the Enforcement Exchange. Most jurisdictions use this non-public database to enter their disciplinary actions taken against engineers and surveyors. Your WV PE Board is energetically involved in NCEES at the national level and actively participates in the Enforcement Exchange. A quick review of the database shows an astounding statistic: Per capita, WV ranks third nationally in the number of disciplinary actions reported to the Enforcement Exchange. With a state population of only 1.8M people and ranked 31st in population nationwide (2020 Census data), the WV PE Board reports more disciplinary actions per capita than all jurisdictions except for Oklahoma and Colorado. Again, the realist in me realizes this does not mean that WV disciplines more engineers than most states, but it shows that the Board's active enforcement program, and its reporting, is leading the way on a national level. It should also be noted that the majority of our licensees (now 83%), as well as the complainants involved in our enforcement actions since 2003, are individuals that live out-of-state.

### Two (perhaps three) Further Points of Interest

I know the PDH audit and continuing education requirements are always a topic of great interest to all of the Board's registrants. The latest renewal audit, conducted in February-April 2021 for your 2021-2022 license renewal, resulted in only one license invalidation for not meeting the PDH requirements. To me, this shows the Board's willingness to work with all registrants upon audit notification. Remember that if you should find yourself audited during your next renewal, you will have 30 days to come into compliance with the audit should the Board find any shortcomings.

Furthermore, I know that the cases and investigations the Board conducts are of also interest to most registrants. While pending cases are confidential per WV Engineering law, a resolved case resulting in disciplinary action becomes public record and all of the Board's actions are posted on the Board's website located at [www.wvpebd.org/West-Virginia-Engineering-Law/Enforcement-Disciplinary-Actions](http://www.wvpebd.org/West-Virginia-Engineering-Law/Enforcement-Disciplinary-Actions). One case of interest I would like to highlight is posted on the website having to do with an individual claiming to be a PE and going as far as creating and using a fraudulent PE seal. I'll leave the specifics of Case Number 20-C-847 to your perusal on the website, but in short, the Board took swift action upon being notified of this transgression and obtained a court order permanently enjoining this individual and his unlicensed business from offering or practicing engineering in our state.

Last, and maybe least, as of September of this year, I have moved on to another great employment opportunity but hope that my contributions to the enforcement of WV Engineering law were an asset to the Board. I want to sincerely thank the WV PE Board and staff for the opportunity to serve the engineering community for the past 8 years. Your WV PE Board is one of the leaders in the nation, not only in enforcement, but in being active at the national level through NCEES. As you remember the 'three-legged stool' in engineering licensure, don't forget about the Fourth E and the importance of enforcement in any professional setting.

*\*\* Note: Portions of this article were reprinted, with permission, from NCEES*



**1989**

Rhode Island establishes surveying licensure laws, becoming the final U.S. state to have both engineering and surveying licensure laws.



**2003**

The NCEES Engineering Licensure Speaker's Kit is developed to promote the value of licensure to engineering students and unlicensed engineers.



**2004**

Council headquarters is expanded to add more meeting space. It is expanded again in 2013.

# Board Disciplinary Actions

**Disclaimer:** Every effort has been made to ensure that the enforcement information is correct; however this information should not be relied upon without verification from the Board office or website. It should be noted that the names of companies and individuals listed may be similar to the names of parties who have not had enforcement actions taken against them. Should you have any specific questions regarding the disciplinary actions noted below, please contact the Board office.

In meeting its mission of safeguarding life, health and property, and to promote the public welfare, the WV Board actively enforces the statutes and rules that fall within its jurisdiction. Below is a summary of formal complaints that resulted in disciplinary action since the 2020 newsletter. Numerous other investigations were conducted, some resulting in formal complaints which are still pending; some dismissed because the charges were unsubstantiated or considered trivial; and some closed after acceptable corrective action or warning.

Disciplinary actions can be either a result of a formal hearing resulting in a Board Order or settled informally resulting in a Consent Order. These orders are public records. If you are interested in knowing more about the nature of the complaint, you may request a copy pursuant to the State's Freedom of Information Act. All Orders are posted on the Board website.

All civil penalties are deposited in the state's general fund. Administrative costs are made payable to the WV PE Board and are retained by the Board to offset costs incurred in the investigation and complaint resolution efforts. Administrative costs may be waived if the complaint is resolved with a minimum of expense.

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Case Number: **C2021-01 - Skyborne Technologies, Inc.**  
Violation: Practicing engineering without a Certificate of Authorization. [§30-13-17, §30-13-21(a)(4)]  
Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 10/22/20.

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Case Number: **C2021-02 - Robert J. Hopkins, PE**  
Violation: Practicing engineering without a Certificate of Authorization. [§30-13-17, §30-13-21(a)(4)]  
Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 11/17/20.

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Case Number: **20-C-847 - Robert E. Jones**  
Violation: Offering and practicing engineering without a license. [§30-13-2, §30-13-21(a)(4)]  
Resolution: Court Order. Permanently enjoined from engaging in the practice of engineering and holding himself out as a person or entity practicing engineering. Case closed 12/8/20.

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Case Number: **C2021-03 - Potesta & Associates, Inc. / Terence Moran**  
Violation: Engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public. Signed or affixed the professional engineer's seal to drawings which have not been completely checked by the professional engineer. [§30-13-21(a)(4), §30-13-21(a)(10), §30-13-21(a)(11)]  
Resolution: Consent Order signed. Civil penalty of \$28,000 paid. Case closed 3/3/21.

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Case Number: **C2021-04 - Atlantic Engineering Group, Inc.**  
Violation: Provided misinformation to the Board. [§30-13-21(a)(4), §30-13-21(a)(12)]  
Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 1/29/21.

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Case Number: **C2021-05 - R. Shane Ritter, PE**  
Violation: Practicing engineering without a Certificate of Authorization. [§30-13-17, §30-13-21(a)(4)]  
Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 10/22/20.

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Case Number: **C2021-07 - Bipin Associates, LLC. - Consulting Engineering / Bipin G. Patel**  
Violation: Practicing engineering without a license and Certificate of Authorization. Provided misinformation to the Board. [§30-13-2, §30-13-17, §30-13-21(a)(4), §30-13-21(a)(12)]  
Resolution: Consent Order signed. Civil penalty of \$1,000 paid. Case closed 3/3/21.

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Case Number: **C2021-08 - Foresite Group, LLC**  
Violation: Provided misinformation to the Board. [§30-13-21(a)(4), §30-13-21(a)(12)]  
Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 3/2/21.

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Case Number: **C2021-09 - JAX-APEX Technology, Inc.**  
Violation: Provided misinformation to the Board. [§30-13-21(a)(4), §30-13-21(a)(12)]  
Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 1/29/21.

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Case Number: **C2021-10 - DiDonato Engineering and Architecture, P.C.**  
Violation: Offering engineering without a Certificate of Authorization. Aiding and assisting an offer of engineering services without a license. [§30-13-2, §30-13-17, §30-13-21(a)(4), §30-13-21(a)(8)]  
Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 1/19/21.

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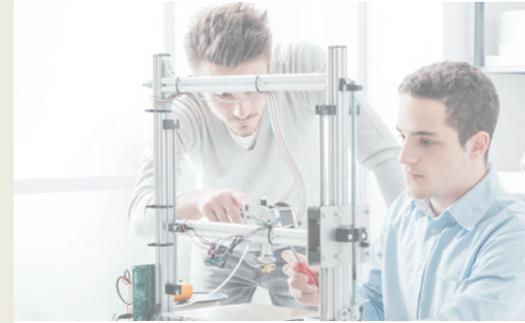
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## NCEES CENTENNIAL CELEBRATION CUT SHORT AGAIN!

Throughout 2020, NCEES celebrated the 100th anniversary of its founding in 1920. In 2021, the organization continued to celebrate this milestone as it prepared for the 100th Annual Meeting of NCEES in August. Unfortunately, due to concerns related to the dangerous level of new COVID-19 cases in New Orleans, the NCEES Board of Directors once again made the prudent decision to cancel their Annual Meeting. The number of active cases in New Orleans was exponentially increasing due to the widespread nature of the COVID-19 Delta variant, and having an overwhelming impact on local hospital capacities and emergency resources. This decision was made to help ensure the health and safety of all meeting attendees.

In lieu of the planned gatherings, NCEES sent member boards centennial memorabilia and copies of the new fourth edition **History of NCEES**. NCEES also developed a centennial website at [ncees.org/100](https://ncees.org/100) to recognize engineering and surveying licensure milestones and celebrate the organization's initiatives and achievements over the past 100 years. Please visit the NCEES website to scroll through the interactive timeline and discover some of the organization's unique history. *\*\*Note: Portions of this article were reprinted, with permission, from NCEES*



Case Number: **C2021-12 - McKamish, Inc.**  
 Violation: Practicing engineering without a Certificate of Authorization. [§30-13-17, §30-13-21(a)(4)]  
 Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 3/3/21.

Case Number: **C2021-13 - Pinnacle Engineering, Inc.**  
 Violation: Practicing engineering without a Certificate of Authorization. [§30-13-17, §30-13-21(a)(4)]  
 Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 3/11/21.

Case Number: **C2021-15 - Edgar P. Hayes**  
 Violation: Provided misinformation to the Board. [§30-13-21(a)(4), §30-13-21(a)(12)]  
 Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 3/2/21.

Case Number: **C2021-17 - COCCA Development, LTD**  
 Violation: Practicing engineering without a Certificate of Authorization. Aiding and assisting the practice of engineering services without a license. [§30-13-2, §30-13-17, §30-13-21(a)(4), §30-13-21(a)(8)]  
 Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 8/9/21.

Case Number: **C2021-18 - MPP Engineers, LLC**  
 Violation: Practicing engineering without a Certificate of Authorization. [§30-13-17, §30-13-21(a)(4)]  
 Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 6/29/21.

Case Number: **C2021-19 - Mark W. Yoder**  
 Violation: Misuse of seal. [§30-13-21(a)(4), §30-13-21(a)(9), W. Va. R. §7-1-6.6(b)]  
 Resolution: Consent Order signed. Civil penalty of \$1,000 paid. Case closed 6/29/21.

Case Number: **C2021-21 - Randy W. Beckner**  
 Violation: Provided misinformation to the Board. [§30-13-21(a)(4), §30-13-21(a)(12)]  
 Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 6/22/21.

Case Number: **C2021-23 - Consulting Engineering Services, Incorporated**  
 Violation: Practicing engineering without a Certificate of Authorization. Aiding and assisting the practice of engineering services without a license. [§30-13-2, §30-13-17, §30-13-21(a)(4), §30-13-21(a)(8)]  
 Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 6/22/21.

Case Number: **C2022-02 - Zero & Associates / Lawrence Zero**  
 Violation: Practicing engineering without a license and Certificate of Authorization. [§30-13-2, §30-13-17, §30-13-21(a)(4)]  
 Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 8/30/21.

Case Number: **C2022-03 - Stephen D. Heath**  
 Violation: Practicing engineering without a license. [§30-13-2, §30-13-21(a)(4)]  
 Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 9/15/21.



# Nothing is Permanent, But Change.

## COUNSEL'S COLUMN

N. EDWARD EAGLOSKI, II, BOARD COUNSEL

*Having served with the local council's Boy Scouts of America Board, we learned that the Boy Scouts were changing. It was becoming more inclusive, by allowing girls, young women, to join its ranks, expanding their opportunities in Scouting, including earning the rank of Eagle Scout. This was a hard change for me, but the change was mandated, and the change enviable.*

As I enter my fourth year as the Board's Counsel, I find this particular quote be to most apropos. I came to the Board in 2018, just as Debra Hamilton was retiring after many years as Board Counsel. Unless you had issues before the Board, you missed interacting with a remarkable woman. I had but a few weeks working with her, and found her not only to be the voice of change, but a maker and shaker of that change. She was, and is, in my opinion, a force to be reckoned with. Plus, she mentally challenged each of us through her soliloquies of rational. To me, she embodies Greek philosopher Heraclitus' quote, "Nothing is permanent, but change."

As this year closes, another change in Board Staff has been made. My friend and mentor, Aaron Armstrong, the Board's Investigator, has taken another job. I am thankful for the years we spent together as Board staff. I hope that I expanded his knowledge of the law, whereas, he surely has expanded my understanding of the engineering profession, the need for PEs, and the criteria for recognizing one as a PE. Because of his guidance, I am able to better serve the Board. We were saddened by this change, but elated for him. His new position will allow him to use his penned-up engineering skills, his experience, and his West Point can-do attitude to design, build, and improve our State. We wish him the best, and look forward to his accomplishments.

### Upcoming Certificate of Authorization Renewals

As we head into December 2021, there will be another ending, followed by new beginnings. Yep, another change. It will not be a "life changing event" like a new job or retirement, but a change nevertheless. It will be time for the biennial renewal of your Company's / Firm's / Sole Proprietor's (Individual's) Certificate of Authorization (COA). This COA is the one issued by the Board, not the business license document of a very similar name (Certificate of Authority), and the same acronym, issued by the WV Secretary of State. However, both individuals and entities (e.g., companies, firms and sole proprietors) need to have valid and active certificates issued from both the Board, and the WV Secretary of State's office in order to offer engineering services and/or practice engineering in the State of West Virginia. Renewals start in late November.

### Am I a Sole Proprietor? Simply Look into a Mirror!

At COA renewal time, one reoccurring question is "Can I file as a Sole Proprietor?" In answering this question, we do not use the IRS definition that a "A sole proprietor is someone who owns an unincorporated business by himself or herself. However, if you are the sole member of a domestic limited liability company (LLC), you are not a sole proprietor if you elect to treat the LLC as a corporation." [www.irs.gov/businesses/small-businesses-self-employed/sole-proprietorships](http://www.irs.gov/businesses/small-businesses-self-employed/sole-proprietorships).

Did you get that? Well, as stated above, the Board does not employ the IRS test, so it does not matter how you are taxed, nor whether you are an individual or a business entity. The Board utilizes the definition that you have no one in your firm, but 'yourself'. Under WV C.S.R. § 7-1-2.10, a 'sole proprietor' is defined as being a person or entity that employs no one but himself/herself which practices or offers to practice engineering in this state. This has been interpreted to mean 'no employees, except oneself.' So, you cannot have any technicians, designers, drafters, clerical staff, or family on payroll.

If you're having a problem getting your mind wrapped about this concept, simply utilize the Mirror Test. Find a mirror, and look into it. In that reflection, you should see everyone that works for you; it's just you... the single PE and no one else. If you do not see everyone who works for you in that mirror, then you are not a sole proprietor. It's akin to the saying, "I am the chief cook and bottle washer." You do everything for the firm yourself. The next question you are to ask is "Whether you are the firm's Engineer in Responsible Charge (EIRC)? If you are not listed as the firm's EIRC on your COA renewal, then you are not a sole proprietor.

**In closing, please be reminded that if your firm decides not to renew its COA, then the firm should not offer or provide engineering services for projects in the state of West Virginia. To do so would be in violation of West Virginia Engineering Law.** If you have any questions regarding COAs, simply call the Board office to discuss your circumstances.



## 2006

The NCEES Credentials Evaluations Service is established for licensure candidates earning degrees from programs outside the United States and from domestic, non-ABET accredited programs.



## 2014

The FE and FS exams are administered via computer-based testing (CBT) for the first time. The FE exam format changes from a breadth and depth format to seven free standing, discipline-specific exams.

# Renewal Updates and Status Report

## UPCOMING WV COA RENEWAL REMINDER

It's time to renew your firm's Certificate of Authorization! All firms or individual sole proprietors in possession of an active WV Certificate of Authorization (COA) will be required to renew their COA by December 31, 2021. As a condition of WV COA renewal, every firm must provide the name of their Engineer In Responsible Charge who must be a WV PE whose license status is active and in good standing.

As required by West Virginia Engineering Law, our agency is required to send notification at least 30 days prior to the expiration of a license, meaning no later than December 1st of odd numbered years for COAs and December 1st of even numbered years for PEs and Retired PEs. Renewal notifications are typically mailed in mid-late November and the WV State Treasurer's Office activates our online license renewal system at the same time. If you have an active COA, renewal instructions were enclosed with this newsletter and a live COA renewal link is posted on our website as well. A number of courtesy email notifications will also be sent to the record email address(es) throughout the renewal season until successfully renewed. Upon successful renewal, one will be able to print receipt confirmation and we will no longer send unnecessary email communication.

If you have any questions regarding the COA renewal process, please do not hesitate to contact Tiffany Coleman as she handles all COA matters for the WV PE Board. You may email her at [tiffany@wvpebd.org](mailto:tiffany@wvpebd.org) or call 304-558-3554.

## WV PE RENEWAL SEASON SUMMARY

### PE Renewal Continuing Education Audit Recent 2021-2022 PE Renewal

- » Active PEs Receiving Continuing Education Audit in February 2021.....394
- » PEs Invalidated effective April 2021 due to insufficient response or no response.....1
- » Company COAs notified to name a new EIRC because of PE Invalidation due to audit..... 0

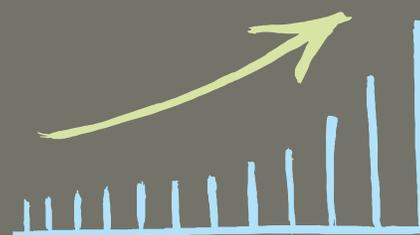
### PE Status Summary for Recent 2021-2022 PE Renewal

- » Active PEs receiving PE Renewal Notification in November 2020 ..... 9428
- » Retired PEs receiving Retired PE Notification in November 2020 .....254
- » Non-Responding PEs resulting in Lapsed Status after PE Renewal Deadline .....374
- » Non-Responding Retired PEs resulting in Lapsed Status after Retired PE Renewal Deadline ..... 22
- » Company COAs Invalidated after notification to name a new EIRC and no action taken by the firm\*..... 50\*

\* due to former EIRC being Inactive/Lapsed/Deceased at the close of PE Renewal Season

To view or download a complete roster of the Active PE licenses, Firm Certificates of Authorizations (COAs), and Retired PEs, simply visit our website. There you will find access to a real-time, online verification search tool that shows if a particular individual and/or firm is authorized to practice or offer engineering services in WV.

Please be reminded that all licensees should report any updates such as disciplinary actions, a change in address, employer or email to the Board within 30 days. All address and employer updates submitted online, as well as new license activations or licensee status changes, will appear immediately unless an action is required by staff before posting. Should you have any questions about the status of a WV PE or WV COA, simply contact the Board office for assistance.



## CURRENT WV PE BOARD STATISTICS

The following is a numerical summary of registered individuals and firms as of October 1, 2021.\*

- » Active PEs ..... 9189
- » Retired PEs ..... 248
- » Active COAs ..... 3476
- » Engineer Interns ..... 5143
- TOTAL .....18,056

## PE RESIDENCY SUMMARY AS OF OCTOBER 1, 2021:

- » Active PEs living in WV: .....1610 (17.5%)
- » Active PEs living outside WV: .....7579 (82.5%)



# 2020

NCEES celebrates its 100-year anniversary and relocates its headquarters to Greenville, South Carolina.



**WV State Board of Registration  
for Professional Engineers**  
300 Capitol Street, Suite 910  
Charleston, West Virginia 25301

# CALENDAR of events - 2022

JAN	18	Board Meeting, WV PE Board Office, Charleston, WV
FEB	20-26	National Engineers E-Week (various Board activities/speaking engagements)
MAR	22	Board Meeting, WV PE Board Office, Charleston, WV
MAR	23-24	2022 WV EXPO and Continuing Education Seminars, Charleston, WV
APR	21-22	Structural Engineering PE Exams (paper/pencil), Regional NCEES Testing Locations
APR	28-30	2022 NCEES Northeast Zone Interim Meeting, Newport, RI
MAY	17	Board Meeting, WV PE Board Office, Charleston, WV
JUL	19	Board Meeting, WV PE Board Office, Charleston, WV
AUG	23-27	2022 NCEES Annual Meeting, Carlsbad, CA
SEP	20	Board Meeting, WV PE Board Office, Charleston, WV
OCT	20-21	Structural Engineering PE Exams (paper/pencil), Regional NCEES Testing Locations
NOV	16	Board Meeting, WV PE Board Office, Charleston, WV

For information on NCEES FE and PE Exam registration guidelines, visit [www.ncees.org](http://www.ncees.org).

