



INTERchange

Informing Professional Engineers of developments that influence their honored profession

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Cross Lanes, WV

Richard E. Plymale, Jr., PE, PS
Board Vice President
Charleston, WV

Bhajan S. Saluja, PE
Board Secretary
Charleston, WV

L.A. Gates, PE
Beckley, WV

Garth A. Thomas, Jr., PE
Charleston, WV



West Virginia State Board
of Registration for
Professional Engineers

300 Capitol Street
Suite 910
Charleston, WV 25301

TEL 304-558-3554
800-324-6170

FAX 304-558-6232

WWW.WVPEBD.ORG

Lesley L. Rosier-Tabor, PE
Executive Director
Lesley@wvpebd.org
info@wvpebd.org

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RIGHT TO LEFT: Tiffany Coleman, Tara Smith, Debra Hamilton, Lesley Rosier-Tabor, Aaron Armstrong, Sue Rubenstein.

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

We've Come A Long Way Baby!

*In the famous lyrics sung
by Loretta Lynn and the
name of her 1978 country
music album, We've Come
a Long Way Baby.*

We've Come a Long Way Baby.
— LORETTA LYNN

July 27, 1921 ... The date of the first Act to create the West Virginia State Board of Registration for Professional Engineers. Upon invitation from the governor, the first five Board members met for the first time in the Coyle and Richardson Building in Charleston, WV on July 1, 1922. The first PE license, WV PE #1, assigned by the WV PE Board was issued in 1922 to Mr. Nathan H. Mannakee, a consulting mining and metallurgical engineer from Beckley, WV. Only a few short years ago, you may recall the feature back cover article in the 2013 edition of the Interchange was bidding a fond farewell to our oldest Active PE, Mr. Brast Thomas of Huntington, WV, who held the lowest assigned PE number at the time (WV PE #2360). In addition, during that same year, the Board crossed a monumental mark by assigning WV PE #20000. Fast forward to now, late 2016, three short years later, we are soon to license WV PE #22100.

On April 25, 1949, the Board, supported by a favorable opinion of the Attorney General of West Virginia dated March 12, 1948, authorized the issuance of certificates of Engineer in Training (EIT) to college graduates in courses accredited by the Engineers' Council for Professional Development or to applicants who successfully passed the examination of the Board covering Fundamentals of Engineering. Such certificate holders could, after completing a period of engineering work or experience of a character satisfactory to the Board, take the final examination and complete the requirements of the law for registration as a Professional Engineer. The first EIT certificate issued was to Mr. Ervin R. Baker, Jr. in 1949. Now, over 67 years later, we are soon to grant Engineer Intern (EI) certification to EI #11000.

We've Come a Long Way Baby!

As I have grown older, and hopefully a little wiser, I have tried to make a concerted effort to appreciate the hard work of those who have come before us, those who blazed the trails and cleared the paths for us to follow. I have tried to keep an open mind to all comments, criticisms, suggestions and recommendations for improvement in all aspects of life, but in particular for the betterment of the profession and our engineering community. When I joined the Board office in June of 2002, I walked in for my first day of work filling a newly created position for our agency wondering what the day would bring. Within an hour I was sitting in my new

office, with a beautiful view of downtown Charleston, facing 2 large overflowing postal containers of 2000+ pieces of unopened renewal responses and payments. After two days of doing nothing but opening mail, date stamping entries and processing payments alongside of 3 other staff members, we decided something had to change. I was sure this task was NOT what the Board had in mind when hiring their first Executive Director and first Professional Engineer on staff.

So with that new appreciation for the hard work and paper processing performed for decades by those that came before us, our staff set out on a journey that has been difficult yet very exciting and extremely rewarding. We quickly entered into a cooperative agreement with the West Virginia State Treasurer's Office to bring us into the 21st century with a web presence. From that platform, we have built an impressive and comprehensive website complete with online renewals, credit card processing, electronic address changes and CPC reporting, real-time license verifications, a comprehensive enforcement program, broad transparency and much more. In 2016, we find ourselves wrapping up the development and implementation of the largest contract ever awarded by our agency, a new comprehensive cloud-based licensing solution database.

On a professional level, every day is exciting as we move forward at record pace to implement new technology and integrate state-of-the-art systems being developed at the national level by NCEES. It is truly an honor to come to work and serve our engineering community and the citizens of our great State. Moreover, it is a privilege to work with a top-notch staff with the same level of dedication. On a weekly basis I receive emails and phone calls complimenting our staff on their record turnaround times for licensure verifications, application processing, certificate processing, inquiry responses and the like. I make every effort to share such emails and conversations with our staff so they know their work ethic and level of commitment to our agency and the State of West Virginia does not go unnoticed. We have been blessed to be able to hire and retain an amazing team during my nearly 15-year tenure with the Board. They are truly an impressive group of individuals and a joy to work with. As a PE myself, I couldn't be more proud of the services they provide to our engineering community and the public at-large.

Board Updates

INTRODUCING YOUR NEW WV PE BOARD



Left to right in photo:

Mr. L.A. Gates, PE
Board Member
Term expires June 30, 2020

Mr. Edward Robinson, PE
Board President
Term Expires June 30, 2019

Mr. Bhajan Saluja
Board Secretary
Term expires June 30, 2021

Mr. Richard Plymale, PE, Jr.
Board Vice President
Term expires June 30, 2017

Mr. Garth Thomas, PE
Board Member
Term expires June 30, 2018

During the last few months, the West Virginia State Board of Registration for Professional Engineers has been fortunate to receive notification of three (3) gubernatorial appointments made by Governor Earl Ray Tomblin.

The first appointment was made on June 8, 2016. Mr. Garth Thomas, PE, of South Charleston, Kanawha County, WV, was appointed to the WV PE Board for a term ending June 30, 2018. Mr. Thomas is replacing Dr. William Pierson who resigned. Mr. Thomas is from the Seventeenth Senatorial District.

The second appointment was made the same day, June 8, 2016. Mr. L.A. Gates, PE, of Daniels, Raleigh County, WV, was appointed to the WV PE Board for a term ending June 30, 2020. Mr. Gates is replacing Leonard "Joe" Timms, Jr. whose term had expired. Mr. Gates is from the Ninth Senatorial District.

The third appointment was made on September 12, 2016. Mr. Bhajan S. Saluja, PE, was reappointed to serve a third term. Mr. Saluja was originally appointed by Governor Bob Wise in August 2002 to complete a partial term and has served faithfully as Board Secretary for a number of years.

Welcome new and returning Board members!

WV LEGISLATIVE UPDATES

2015 Legislative Session - SB389 and Statute Revision Outcome

- 2-year renewal cycle authorized
- Change renewal timing from end of the WV fiscal year to end of calendar year
- Electronic Renewal Notification authorized, paper notifications no longer required

2016 Legislative Session - SB1017 (originally SB1598) and Legislative Rule Revision Outcome

- Update of Rules to comport with 2015 Statute changes
- Fee Updates (including a reduction in PE and Retired PE renewal fees)
- Biennial Continuing Education Requirements outlined
- Non-practicing status provisions defined
- Computer Based Testing and post-FE application provisions incorporated

2016-17 BOARD LEADERSHIP ELECTION RESULTS

During the May 17, 2016 Board meeting, the WV PE Board held officer elections for the upcoming fiscal year, FY2017. Upon unanimous vote, the following resulted:

- **Mr. Edward Robinson**
Board President
- **Mr. Richard Plymale**
Board Vice President
- **Mr. Bhajan S. Saluja**
Board Secretary

Board Updates Continued



MEET NEW BOARD MEMBER GARTH THOMAS, JR., PE

Garth Thomas is the Chair of the Chemical Engineering Department at West Virginia University Institute of Technology, and previously served as the Associate Provost. He has been on the faculty for thirty-four years, with primary teaching interests in the areas of process design, mathematical modeling and process simulation. He holds degrees in chemical engineering from West Virginia Institute of Technology and West Virginia University and has been a licensed Professional Engineer in West Virginia since 1991.

Mr. Thomas has conducted training and performed consulting work for several chemical and manufacturing companies in West Virginia. He has held several offices with the Charleston Section of American Institute of Chemical Engineers, and served as the WVU Tech AIChE student chapter advisor. He is also a member of the American Society for Quality, American Society for Engineering Education, and the International Society for Automation.

Thomas is certainly no stranger to the engineering licensure arena and is intimately familiar with the state engineering regulatory Board's exam processes as he is a long-standing volunteer for the National Council of Examiners for Engineering and Surveying (NCEES). Garth has donated countless hours as an exam volunteer on the Chemical Engineering subcommittee of the Fundamentals of Engineering examination committee of NCEES.



WELCOME NEW BOARD MEMBER L.A. GATES, PE

L.A. Gates is the President and CEO of L.A. Gates Company in Beckley, WV. He established his consulting firm in 1984 for the purpose of providing professional engineering services of the highest ethical caliber to the local and state community. Mr. Gates is responsible for overall technical review of all Gates' projects which include design of roads, collection ponds, dams, bridges, water systems, site developments and other structures for the mining, natural gas and civil industry, government and commercial clients.

Mr. Gates holds degrees in Mining Engineering from Colorado School of Mines and Business Administration from West Virginia University and has been a licensed Professional Engineer in West Virginia since 1984.

Mr. Gates specializes in project and contract management, surface and underground mine operation and development, mine feasibility studies, mine planning & design, coal reserve studies, coal quality analysis and economic evaluations (capital and operating). He is a member of the Society of Mining Engineers of AIME, National Society of Professional Engineers, King Coal Club, and the Board of Directors for the West Virginia Chamber of Commerce.

Gates also joins the Board with an intimate understanding of the work of the WV PE Board as his father, Leslie C. Gates, was a Board Member from 1966-1980, rising to serve as President during his tenure. L.A. fondly recalls memories of his father traveling to Charleston for monthly Board meetings and around the country for various NCEES activities.

Executive Director Rosier-Tabor stated, "This is a monumental moment in WV PE Board history. To our knowledge, it is the first-ever father-son service provided to our State agency since the Board was formed at the direction of the WV Legislative Act, effective on July 27, 1921." With more than 3 ½ decades separating the service of father and son, Gates is eager to carry on the important work that his father loved dearly many years ago. Upon notification of the appointment, L.A. Gates stated that he had recently shared his professional "bucket-list" with his daughter, most notably including his interest in having the opportunity to serve as a WV PE Board member, and as an Elder in his church. Within a few short months of voicing those interests, he was honored to be nominated for both positions and is eager to carry out the important work for each.

BOTTOM LEFT: Portrait of the late L.C. Gates, former WV PE Board member 1966-1980, and father of L.A. Gates.





Computer-Based Testing: View from a Volunteer

GARTH E. THOMAS, JR., PE
BOARD MEMBER

The Fundamentals of Engineering (FE) examination has been delivered in a computer-based testing (CBT) format since January of 2014, and the Professional Engineering (PE) examinations are being converted to CBT as well. This transition has impacted the process of registration and preparation for the examination by the potential examinees, and has changed the processes for certifying candidates by the state boards. As might be expected, the conversion to CBT has also made a significant difference in the activities of the volunteers who develop the examination questions.

When I initially joined the chemical engineering FE subcommittee over ten years ago, the pencil-and-paper examinations were assembled by the NCEES staff (primarily the FE examination coordinator). The questions for each examination were selected from the problem bank in accordance with the published examination specifications. Our subcommittee generally spent a day or two reviewing the examination to ensure that the questions were correctly worded and had the correct answer key. We would also replace problems that were too similar to another on the examination, and make sure that solution documentation for the problems was complete. This meant that we spent the better part of two of our four yearly meetings reviewing and modifying examinations. Each examination was also reviewed three times - although the second and third reviews were limited to ensuring that edits from the previous review were correct - which required some examination review work to be done at every meeting. The review process within my subcommittee was to have each examination problem reviewed by at least two team members, with the review findings presented to the entire subcommittee. The other subject area subcommittees followed a similar process to conduct reviews.

The remainder of our meeting time was devoted to writing and reviewing new problems. A problem was submitted on a paper form containing the problem statement with any figures and tables, a correct solution, and a set of plausible distractors to provide alternate answers for the multiple choice questions. Each problem submission was reviewed by two subcommittee members as well as the subcommittee chair. Once three approvals were obtained, the problem was entered into the problem bank.

As problems were used on examinations, statistics were collected on their performance. The two primary statistics we used were the $p+$ (fraction of examinees who answered the problem correctly) and the R_{bis} (correlation between examinees who answered the problem correctly and those who also passed the examination). Problems that had $p+$ values that were too high or low, or R_{bis} values that were too low were weeded out of the problem bank. This process provided a tertiary level of quality review in addition to the examination reviews and the initial problem reviews. During the time that I was involved with paper examination development, attention to each of these three levels of quality assurance had the effect of improving the performance of our discipline examination. This was also the case for the other FE subcommittees.

The major change in our activity as examination volunteers is that examination reviews are no longer necessary with CBT. Each examinee receives an examination that is "constructed" by the computer from a large bank of problems. The quality checks are now performed at the problem level. New problems are now pretested as unscored items on a number of individual examinations before they are employed for examination construction. This means that problems with poor statistics from the pretesting are referred back to the subcommittee for improvement or removal. The result is that we can now see how problems perform before they become "live" rather than waiting until they are used on an examination. This is a significant benefit of CBT.

However, there are some drawbacks as well. A significant one is that the subcommittee members must identify problems that should not be used together so that an "enemies list" is available to the computer as it constructs an examination. Since the examination review is no longer available to identify problems that are too much alike, it falls on the committee members to review the problem bank on a regular basis to minimize the chances of similar problems being used together.

Another significant change in our work process is that problem submissions are now done via software. This has required some time for the volunteers to learn the mechanics of using the software package, and we are still dealing with some limitations of the platform. It now takes two acceptable reviews to move a problem into the problem pretest pool. While there was some initial concern that the level of review would not be as thorough as it had been in the past, the ability to pretest problems should offset the effect of having fewer reviewers. As we gain experience using the new tools, I think we will find that the quality of the examinations will continue to improve as it had in the past.

CBT also permits us to develop problem types other than the four-item multiple choice answer format that has been the norm for the FE examination. We now have the ability to add multiple choice problems with multipart correct options, fill-in-the-blank, matching type problems, and graphical problems that include selection points or regions. As the volunteers gain experience with the development of these types of problems, future examinations will have a variety of problem types.

While CBT has significantly changed the work of the examination development volunteers, we are quickly moving up the learning curve. There have been the inevitable bugs and frustrations with a new system, but the volunteers remain focused on developing examination items that will effectively identify candidates who are qualified to enter the licensure process. The key will be to exploit the full potential of CBT.



Why Complain???

Nobody ever listens anyway ...

INVESTIGATOR'S CORNER

AARON ARMSTRONG, PE, BOARD INVESTIGATOR

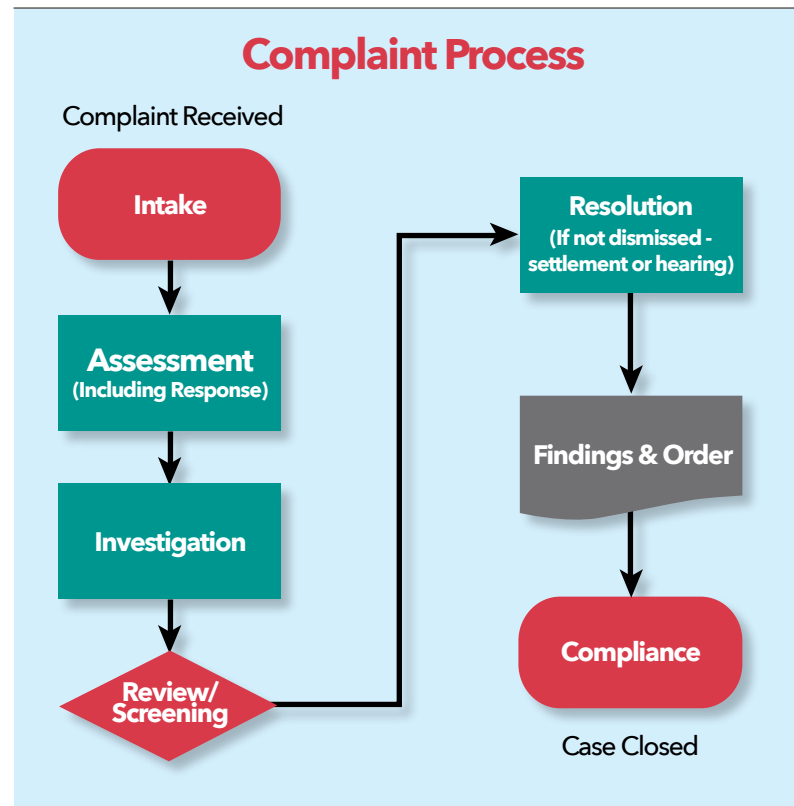
Sometimes the title is true; however, in regards to the WV State Board of Registration for Professional Engineers that is certainly not the case. As the Board Investigator for the past three years, I can attest to the fact that someone is listening. At this point, I have now worked on a number of complaints before this Board, and I would like to give a short summary of not only the complaints, but also the complaint process and the complaint resolution process.

This past year has been quite busy, with the Board logging more complaints in fiscal year 2016 (FY16) than in any of the last 14 fiscal years of its Enforcement program - which is the number of years its current Executive Director has been with this Board. Why so many more complaints one may ask? Well, I'd like to be able to point to one or two reasons and give a plausible explanation. Unfortunately, it's not that easy and I suspect the number of formal complaints before this Board is just like the everyday ebb and flow of the work cycle - sometimes workloads are extremely busy while other times it's not so much. I can say for certain, though, the amount of cooperation and support I have received from numerous municipalities, state / federal agencies, and our registrants have enhanced the Board's enforcement program. Without your assistance, my job would be extremely complicated as it would be difficult, if not impossible, to geographically cover the entire state and monitor the nearly 12,000 registrants and firms.

Since our last newsletter publication, there have been over 40 formal complaints. While not all of these complaints are resolved at the time of this writing, the overwhelming majority of the complaints relate to the unlicensed practice of engineering. Included in this category is the practice of engineering without a Certificate of Authorization (COA) and also included is the offer to practice without a license and COA. I try to reiterate this every chance I get, in WV not only is it illegal to practice engineering without a license and COA, but it is also illegal to offer engineering without a license and COA! This means that firms or individuals submitting an engineering proposal prior to obtaining a COA could be in violation of W. Va. Code §30-13-17(a). See, for example, C2016-04, which is posted under the enforcement tab on the Board's website at www.wvpebd.org.

Anywhere between 70-80% of the complaints have to do with the unlicensed practice topic; however, there have been a number of complaints related to "failing to provide information to the Board" and "misuse of seal." WV Code §30-13-21(a)(6) authorizes the Board to take disciplinary action against a registrant who fails to provide information requested by the Board within 30 days of the Board's request. WV Code §30-13-16(c) and WV Code §30-13-21(a)(10), along with associated rules, discusses a registrant's seal. Additionally, the Board worked with the Architect's Board to jointly publish "The Professional Use of Seals" brochure which is also on the Board's website. Another code citation that has seen some activity recently is WV Code §30-13-21(a)(8), which in summary states that it is a violation to "aid and assist another person in violating any provision of Chapter §30-13 or the rules promulgated. See, for example, C2015-12 on the Board's website. Since the aforementioned violations are not all inclusive of the disciplinary actions taken by the Board in the past year and a half, I welcome you to visit the Board's website where all disciplinary actions are posted dating back to 2003.

So what does it mean to make a complaint to the WV PE Board? I must start off by quoting one of the procedural rules known as W. Va. Code R. §7-2-2.1(b), which states "A complaint may be submitted by any natural person or legal entity, any registered engineer, or any firm holding a certificate of authorization." I interpret this as anybody may file a complaint and I try to point this out every time I give a presentation to a group or even when just having a conversation with someone on the phone or in my office. Simply go to our website and download the complaint form, fill it out, and submit it to our office via mail, fax, email, hand delivery, etc. However please note that WV Code R. §7-2-2.2(b) does allow for an electronic filing of a complaint, but the original must be delivered to the Board Administrator within fourteen (14) days thereafter. Once the complaint is received, our office takes immediate action and begins what I call the 7 step process. The below flow chart represents this process, which is used mostly nation-wide and has been vetted through the NCEES Law Enforcement community.



The process is the same for every complaint the Board receives or initiates on its own motion, which is very important to ensure fairness and uniformity. Per W. Va. Code R. §7-2-2.4, the respondent of the complaint is given 30 days to provide a written response to the complaint. I must note that, without a response, a failure to respond shall be deemed an admission of the factual allegations contained in the complaint (W. Va. Code R. §7-2-2.5). Once the response is received and any further investigation is completed, the Board will act on the complaint in one of three ways: Dismissal, Settlement, or Hearing.

A dismissal occurs when the Board determines the allegations are unfounded or trivial, per WV Code §30-13-22(b), or when the allegation, even if presumed to be true, would not constitute a violation of WV Engineering Law or raise issues outside the jurisdiction (authority) of the Board. The Board does not publicize complaints which have been dismissed but for reference to the dismissal (by complaint number only) in the Board meeting minutes where the action was taken and in the Annual Report to the Governor.

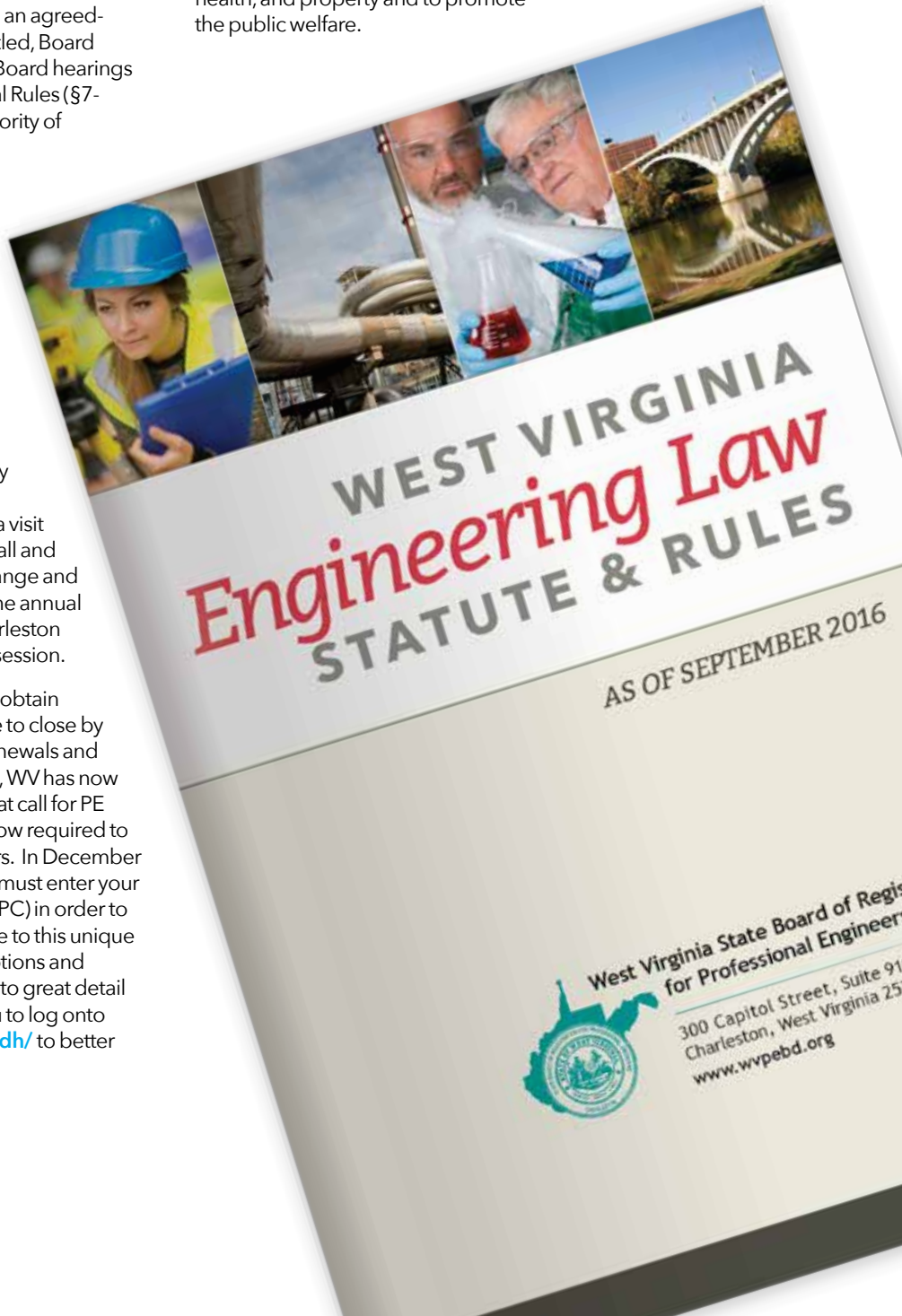
If the Board determines the allegations, if admitted or provable, would violate West Virginia Engineering Law, Board counsel is given settlement authority. Most complaints result in an agreed-upon Consent Order. If the complaint cannot be settled, Board counsel is directed to notice the matter for hearing. Board hearings are discussed in great detail in the Board's Procedural Rules (§7-2-1 through 5), but I would like to highlight that a majority of all complaints that are not dismissed are resolved by voluntary settlement.

If the complaint goes to hearing, in order for the Board to impose any sanction or penalty, the findings of the Hearing Panel in support of disciplinary action must be proved by a preponderance of the evidence. All of the Board's orders since 2003 are posted on the web and sent to NCEES for reporting nationwide.

While the above complaint description is only a summary and relatively brief, we welcome anyone to contact our office for further information. We typically give 4-5 presentations per year in different venues throughout the state. If your organization would like a visit from the WV PE Board staff please don't hesitate to call and we will try to arrange some type of information exchange and dialogue. Of course, we are always present during the annual WV Construction and Design Exposition held in Charleston during the early spring, and many of you attend our session.

Speaking of the EXPO and its many opportunities to obtain Professional Development Hours (PDHs), I would like to close by highlighting the new requirement of our Biennial Renewals and how that affects your PDH reporting. As you all know, WV has now come online with about 90% of all the other states that call for PE license renewal every two years. With that, you are now required to report 30 hours of continuing education every 2 years. In December 2016, our online renewal system will be live and you must enter your 30 hours of Continuing Proficiency (CPC) in order to renew your license up through December 2018. Due to this unique transition to biennial renewals, there are some exceptions and 'special cases' relative to reporting. Without going into great detail concerning these exceptions in this article, I urge you to log onto your account at <https://services.wvpebd.org/pe/pdh/> to better understand your personal situation.

Finally, I would also remind everyone to keep all of their PDH documentation for a minimum of three (3) renewal cycles as called for in W. Va. Code R. §7-1-10.7. Beginning in January and February of 2017, I will initiate the Board's biennial PDH audit as required by W. Va. Code R. §7-1-10.8. If your renewal is selected for audit, you will receive official correspondence from the Board detailing the steps required to successfully fulfill the audit requirements. I hope 2017 and beyond proves to be a great time for our profession and I look forward to working for the Board and with all of you in an effort to safeguard life, health, and property and to promote the public welfare.



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 2015 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.

The actions below were 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.

Case #: **C2015-05 - LW Survey CO.**

Violation: Offering to practice engineering without a Certificate of Authorization. Practicing engineering in WV without a Certificate of Authorization. [§30-13-17(a)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 3/14/15.

Case #: **C2015-06 - David E. Moore**

Violation: Failure to sign & seal design information submitted to a client. [§30-13-16(c), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 6/11/15.

Case #: **C2015-07 - Light-Heigel & Assoc.**

Violation: Practicing engineering in WV without a Certificate of Authorization. [§30-13-17(a)]

Resolution: Consent Order signed. Civil penalty of \$700 paid. Case closed 6/11/15.

Case #: **C2015-08 - Jon Hall**

Violation: Practicing engineering in WV without a professional engineer's license including certifications submitted to a state agency. [§30-13-2, §30-13-16(c), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 9/2/15.

Case #: **C2015-09 - Chu & Gassman Consulting Engineers, PC / Jon T. Chu**

Violation: Offering to practice & practicing engineering in WV without a professional engineer's license. Offering to practice & practicing engineering in WV without a Certificate of Authorization. [§30-13-2, §30-13-17(a), §30-13-21(a)(4)]

Resolution: Board Order entered 2/3/16. Civil penalty of \$2,300 & administrative costs of \$4,500 paid. Case closed 2/25/16.

Case #: **C2015-10 (Consolidated with C2014-16) - Daniel A. Metheny**

Violation: Violations of the Rules of Professional Responsibility, engaging in dishonorable, unethical or unprofessional conduct likely to deceive, defraud or harm the public, providing false testimony or information to the Board. [§30-13-21(a)(4), (11)&(12)]

Resolution: Board Order entered 8/11/16. Civil penalty of \$4,000 & administrative costs of \$27,500 pending.

Case #: **C2015-12 - EXCO Resources (PA), LLC**

Violation: Aiding & assisting unlicensed practice, including certifications submitted to a state agency [§30-13-2, §30-13-16(c), §30-13-21(a)(4)&(8)]

Resolution: Consent Order signed. Civil penalty of \$1,500 paid. Case closed 7/24/15.

Case #: **C2015-14 - Recreation Engineering & Planning / Gary Lacy**

Violation: Offering to practice & practicing engineering in WV without a professional engineer's license. Offering to practice & practicing engineering in WV without a Certificate of Authorization. [§30-13-2, §30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$1,000 paid. Case closed 7/24/15.

Case #: **C2015-15 - Arnold Consulting Engineering Services, Inc. / Jeffery A. Arnold**

Violation: Practicing engineering without a WV professional engineer's license & Certificate of Authorization. [§30-13-2, §30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 6/27/15.

Case #: **C2015-16 - Lakeside Engineering Services P.C. / Christopher Dudek**

Violation: Practicing engineering without a WV professional engineer's license & Certificate of Authorization. [§30-13-2, §30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$800 paid. Case closed 7/14/15.

Case #: **C2016-02 - BioMost, Inc.**

Violation: Offering to practice & practicing engineering in WV without a Certificate of Authorization. [§30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$650 paid. Case closed 8/14/15.

Case #: **C2016-03 - Barry Levin & Associates, Inc.**

Violation: Offering to practice & practicing engineering in WV without a Certificate of Authorization. [§30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 8/14/15.

Case #: **C2016-04 - Lauren Engineers & Constructors, Inc.**

Violation: Offering to practice engineering in WV without a Certificate of Authorization. [§30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 9/15/15.

Case #: **C2016-06 - Edward J. Galto**

Violation: Offering to practice & practicing engineering in WV without a Certificate of Authorization. [§30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 10/15/15.

Case #: **C2016-07 - John B. Regen**

Violation: Practicing engineering in WV without a license. [§30-13-2, §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 12/22/15.

Case #: **C2016-08 - SE3, LLC.**

Violation: Practicing engineering in WV without a Certificate of Authorization. [§30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 10/21/15.

Case #: **C2016-10 - Integrity Engineering, PC / Sean Goldsmith**

Violation: Practicing engineering in WV without a license & Certificate of Authorization. [§30-13-2, §30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 10/29/15.

Case #: **C2016-11 - APEC Engineering / David Berry**

Violation: Offering engineering in WV without a license & Certificate of Authorization. [§30-13-2, §30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 10/8/15.

Case #: **C2016-13 - Kevcor, Inc. / Broderick Cory Attra**

Violation: Offering engineering in WV without a license & Certificate of Authorization. [§30-13-2, §30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 3/22/16.

Case #: **C2016-15 - Civil & Environmental Consultants, Inc. / Jeffrey Woodcock**

Violation: Practicing engineering in WV without a license. [§30-13-2, §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$500 & administrative costs of \$1,250 paid. Case closed 7/19/16.

Case #: **C2016-19 - Mar Structural Design / David Mar**

Violation: Practicing engineering in WV without a license & Certificate of Authorization. [§30-13-2, §30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 5/17/16.

Case #: **C2016-20 - TAM Consultants, Inc. / Timothy Mills**

Violation: Practicing engineering in WV without a license & Certificate of Authorization. [§30-13-2, §30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 6/14/16.

Case #: **C2016-21 - Gollins Consulting Engineers, LLC**

Violation: Practicing engineering in WV without a Certificate of Authorization. [§30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 6/14/16.

Case #: **C2016-22 - Omni Consulting Services**

Violation: Practicing engineering in WV without a license & Certificate of Authorization. [§30-13-2, §30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 7/19/16.

Case #: **C2016-26 - Amendola Engineering / Gary Amendola**

Violation: Practicing engineering in WV without a license & Certificate of Authorization. [§30-13-2, §30-13-17(a), §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$950 & administrative costs of \$250 paid. Case closed 8/18/16.





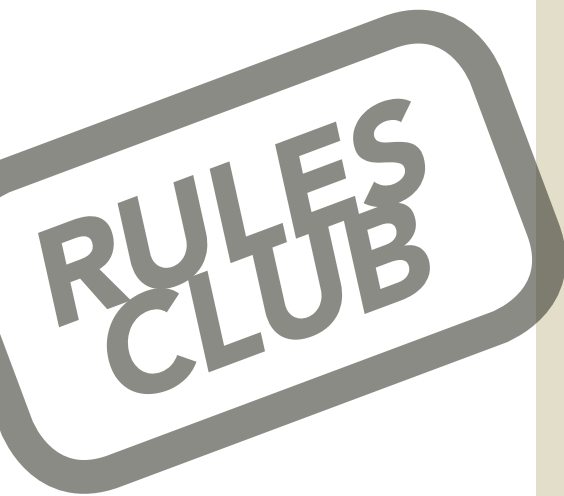
FIRST RULE: Know Your Rules (or RPRs)

LEGAL CORNER

DEBRA L. HAMILTON, BOARD COUNSEL & DEPUTY ATTORNEY GENERAL

The first rule of Fight Club is: You do not talk about Fight Club.

The second rule of Fight Club is: You do not talk about Fight Club.¹



Those are absolutely not the rules of your Rules of Professional Responsibility (RPRs).

The first rule of the Professional Engineer's Rules of Professional Responsibility: Know your Rules of Professional Responsibility. W. Va. Code R. §7-1-12.1.

A later RPR: If you have knowledge of possible violations of any of the Rules of Professional Responsibility, you must provide the Board with information and assistance necessary to the final determination of the [alleged] violation. W. Va. Code R. §7-1-12.3(h).

It is not only fine to talk about the Rules of Professional Responsibility, but a good idea to talk about them, so this article gives a general overview of the RPRs and specific attention to the duties owed by Professional Engineers to their employers.

After W. Va. Code R. §7-1-12.1, the Rules of Professional Responsibility are divided into four sections. W. Va. Code R. §7-1-12.2 can be viewed as the introductory rules or admonitions. After stating that the RPRs are binding on every registrant, this general rule states:

- (a) You must know WV Engineering Law (your statute, rules and other applicable laws relating to the practice of engineering), you must meet specific obligations delineated in the rules, and you must adhere to the highest ethical standards and moral conduct in all aspects of your engineering practice;
- (b) Your engineering practice is a privilege that must be exercised only in your areas of competence according to current standards of technical competence;
- (c) You must represent yourself "before the public only in an objective and truthful manner;" and

- (d) You must "avoid conflicts of interest and faithfully serve the legitimate interests of your employers, clients, and customers." You cannot "compete unfairly with others."

An expert witness at a recent hearing on a PE Board complaint testified that the remaining sections give more specific "bright-line rules" and that the violation of one of these rules would most likely also violate one of the general rules in §7-1-12.2. Section 12.3 sets forth several rules regarding your Obligation to Society. Section 12.4 addresses your Obligation to Employer and Clients. The next section - 12.5 - delineates your Obligation to Other Registrants. (There is also Section 12.6, which requires you to report any disciplinary action taken by another jurisdiction on your renewal form.)

We shall now take a closer look at two of the bright-line rules that you must consider with regard to your duties to your employer (which also apply to your clients). One requires you to say nothing; the other requires you to speak up.

Rule of Professional Responsibility §7-1-12.4(c) prohibits you from revealing "facts, data or information obtained in your professional capacity without the prior consent of the client or employer except as authorized or required by law."²

Rule of Professional Responsibility §7-1-12.4(e) requires you to make full prior disclosures to your employers or clients "of potential conflicts of interest or other circumstances which could influence or appear to influence" your judgment or the quality of your service.

The above two rules are very likely to come into play if you are thinking about setting up your own company while still with your current employer, if you are actively talking to other potential employers, or if you are discussing doing work for existing clients or new customers through a firm other than

Previous Columns On Various Legal Issues

Visit the “Publications/Reports” link on our website at www.wvpebd.org to review previous editions of the **INTERchange**.

2015 - **What’s the Deal With Using Your Seal?** Discusses several seal violations, with a focus on sealing work done in whole or in part by others.

2014 - General primer on the statute and rules that comprise WV Engineering Law and an explanation of some legal terms found in WV Engineering Law.

2013 - **Are You Talking to Me?** What constitutes a ‘disciplinary action’ and the information needed to fully respond to the renewal question regarding that, investigations & criminal matters?

2012 - **Settlement of a Complaint.** A brief explanation of the usual procedure for resolving complaints by Consent Order.

2011 - **Exemptions, Exceptions, Etc.** A brief discussion of the various listserves that allow for sharing and comparison among licensing boards, with specific attention to various states’ exemptions from their licensure requirements.

2010 - **Unlicensed Practice.** A discussion of the WV PE Board’s authority to take administrative action against unlicensed practice.

2008 - **5G: Where to Go? What to Do?** A brief overview of the law that requires “Qualifications-Based Selection (QBS)” for procurement by governmental entities of engineering and architectural services.

2007 - **A Legal Perspective on Expert Testimony.** A discussion of licensure requirements for expert witnesses testifying about engineering matters.

2006 - **Plan Stamping, Sealing Record/As-Built Drawings** and an article reprinted from the NC Board - Attributes of Responsible Charge.

2005 - **Initiating Board Investigations, Duty to Report Alleged Infractions and Home Inspectors.**

your current employer.³ Err on the side of saying nothing about what you know about your current employer as a result of working there unless you have been told it is okay to share the information and stay extremely aware of the disclosure requirement as you are now in a circumstance that could influence your judgment or service.

It is true the line is not always that bright and you might not think you have crossed it in terms of unethically revealing or not disclosing information. What if you think there is a moral or ethical conflict between the interests of your employer and your client? The Board’s expert witness at the same hearing mentioned above testified that the solution is to go to your employer and voice your concern. He went on to testify that under the RPRs, a professional engineer is under no obligation to the client to be honest and forthcoming about what the employer is doing. So what do you do? It was the expert’s opinion that, if an uncomfortable question is asked or situation comes up, simply tell your client to talk with your employer directly. The expert went on to state: “If that raises some red flags, so be it.” If you are unsure how to proceed, contact the Board to discuss your dilemma and your duties under the Rules of Professional Responsibility. It can’t hurt and may well help you avoid disciplinary action.

Another rule in Section 12.5 should be considered if your employer is also

a Professional Engineer. You must not, directly or indirectly, attempt to injure another PE’s professional reputation, prospects, practice or employment – although to be a violation, the attempt to injure must be false or made maliciously. Neither can you “indiscriminately criticize” another PE’s work. Since you should not be “dissing” your competition, you most definitely should not be talking “out of school” about a professional engineer who is your employer.

The above is not a theoretical discussion with no real life application. As shown by the references to expert witness testimony above, the WV PE Board has both gone to hearing and settled matters that resulted in disciplinary action for violations of some of the Rules of Professional Responsibility discussed here. Two involved former employees, and another was disciplined for failure to serve the legitimate interests of his client and failure to disclose a potential conflict of interest. A particularly egregious example (it could have even had criminal ramifications) was when a departing employee took with him some of the clients and files of his former employer.

If you are thinking about going out on your own or changing jobs, honor your obligations to your employer and make a good faith effort to minimize any harm done. You don’t want your new start to start with an ethics complaint being filed against you.

¹ If you don’t get that reference, you missed a good movie.

² In other words, you cannot reveal anything you know about your employer as a result of your job without your employer’s consent, with the same restriction applying to information you get on-the-job about your client.

³ The Board at times get questions about “moonlighting.” If there is no chance it could be perceived as a conflict of interest, okay, but it would be safer to disclose your intentions to your employer.

Important Changes To NCEES Exams



NCEES
advancing licensure for
engineers and surveyors

The NCEES pages contain an overview of recent news releases received from the National Council of Examiners for Engineering and Surveying (NCEES), as well as NCEES Licensure Exchange, concerning items that may be of interest to our engineering community. Some of these articles may have been adapted to fit the space allocated. For more information on any of these updates, or to review the full news releases, simply visit the NCEES website at ncees.org.

April 2017 Exam Changes

- **PE Mechanical Engineering** – The PE Mechanical Engineering exam has new specifications starting in April 2017. The specifications will be posted on the NCEES website after the October 2016 administration. Starting with the April 2017 administration, the PE Mechanical exam will no longer be a “breadth and depth” exam. It will become three distinct, separate exams:
 - **PE Mechanical - HVAC and REFRIGERATION**
 - **PE Mechanical - MACHINE DESIGN and MATERIALS**
 - **PE Mechanical - THERMAL and FLUID SYSTEMS**
- **PE Chemical Engineering** – The PE Chemical Engineering exam will be administered in pencil-and-paper format for the last time in April 2017. The exam will be converted to a computer-based test after that, with the first appointments anticipated in January 2018.
- **Structural 16-hour** – The Structural 16-hour exam will have revised design standards starting in April 2017. The standards will be posted on the NCEES website after the October 2016 exam.
- **PE Civil** – The PE Civil exam will have revised design standards for the Civil Structural module starting in April 2017. The standard will be posted on the NCEES website after the October 2016 exam.

October 2016 Exam Changes

- **PE Mining and Mineral Processing** – The PE Mining and Mineral Processing exam will have revised specifications starting in October 2016. The specifications are posted on the NCEES website.
- **Principles and Practice of Surveying (PS)** – The PS exam was administered in pencil-and-paper format for the last time in April 2016. The exam is now converted to a computer-based test with the first appointments available on Monday, October 3, 2016. CBT registration for the PS exam began in mid-June 2016.

April 2016 Exam Changes

- **PE Naval Architectural and Marine Engineering** – The PE Naval Architecture and Marine Engineering exam has new specifications starting in April 2016. The specifications are posted on the NCEES website.

Special Accommodations

All requests for testing accommodations must be submitted through the NCEES E3 system by the posted registration deadlines. These include accommodations for ADA and religious reasons and for active military service. More information about special accommodations is posted on the NCEES website.

If you have any questions about these changes or require additional information, please contact NCEES or visit their website at ncees.org.

LOOKING TO PRACTICE IN MULTIPLE STATES?

Many professional engineers find that their careers require them to be licensed in more than one state. To do this, a PE must apply for comity licensure in additional states. NCEES Records is a service designed for engineers seeking comity licensure.

Discover if an NCEES Record is right for you. Visit ncees.org for details.

THE NCEES CONTINUING PROFESSIONAL COMPETENCY (CPC) STANDARD

State licensing boards can require a licensee to either meet the requirements of their jurisdiction or the NCEES CPC Standard for renewal purposes. The NCEES CPC Standard requires licensees to acquire 15 PDHs in each calendar year, of which at least one must be earned in an area that focuses on professional engineering ethics or improving a licensee's methods of business practice or operations.

NCEES RECORDS PROGRAM

The NCEES Records program is for currently licensed engineers and surveyors who are looking for an easier and faster way to complete the licensure process in multiple states. An established NCEES Record will include most—if not all—of the materials you need to apply for comity licensure in additional states and territories. Eliminate the hassle of resubmitting your

- college transcripts
- exam results
- employment verifications
- professional references

When applying for a license in an additional state, NCEES will review your materials and electronically submit them directly to the state licensing board on your behalf. This saves time and simplifies the application process when you need to practice in multiple states.

ABOUT NCEES

The National Council of Examiners for Engineering and Surveying is a nonprofit organization made up of engineering and surveying licensing boards from all U.S. states and territories and the District of Columbia. Since its founding in 1920, NCEES has been committed to advancing licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the U.S. public.

NCEES helps its member licensing boards carry out their duties to regulate the professions of engineering and surveying. It develops best-practice models for state licensure laws and regulations and promotes uniformity among the states. It develops and administers the exams used for engineering and surveying licensure throughout the country. It also provides services to help licensed engineers and surveyors practice their professions in other U.S. states and territories. For more information, please visit ncees.org.

NCEES Vision: The vision of NCEES is to provide leadership in professional licensure of engineers and surveyors through excellence in uniform laws, licensing standards, and professional ethics in order to safeguard the health, safety, and welfare of the public and to shape the future of professional licensure.

Value of licensure: Professional licensure protects the public by enforcing standards that restrict practice to qualified individuals who have met specific qualifications in education, work experience, and exams. In the United States, licensure for the engineering and surveying professions is regulated by state. Candidates interested in pursuing licensure are encouraged to check the requirements in the state or territory where they plan to practice, as the requirements vary.

Get involved: Are you an educator looking for tools to guide your students to successful careers in engineering or surveying? Are you a professional who is interested in inspiring the next generation? NCEES provides tools and opportunities for those of all ages to advance the engineering and surveying professions. Contact NCEES to explore your options!

Want to engage with others about the profession? Eager to be the first to know when results are released? Join NCEES on your preferred social network to experience a new level of interaction and learning.



www.facebook.com/NCEES

NCEES' Facebook page is filled with premium content, a rich history of NCEES, and photo albums of recent events. Like NCEES on Facebook, and you'll be able to stay on top of the pertinent issues affecting the engineering and surveying professions.



www.twitter.com/NCEES

If you prefer to quickly scan headlines, follow NCEES on Twitter to learn about its activities and engineering and surveying related news. Retweet NCEES to share important facts and answers to common questions about licensure with your colleagues.



www.linkedin.com

Do you hold a professional engineering or surveying license? Join NCEES' LinkedIn groups (Professionally Licensed Engineering Community and Professionally Licensed Surveying Community) to connect with your professionally licensed peers. You can also broadcast your association with NCEES by following its LinkedIn page.



www.youtube.com/NCEESMedia

NCEES YouTube channel features videos of professional engineers and professional surveyors promoting the value of licensure. These videos are excellent tools to share with those who want to know more about our organization and the process of becoming licensed. In the near future, NCEES' YouTube will be expanding to include videos that answer their most frequently asked question, as well as to clarify processes and policies.

NCEES Distinguished Service Awards

The National Council of Examiners for Engineering and Surveying (NCEES) recently honored six individuals for their dedicated service to the organization and the engineering and surveying professions. The WV PE Board proudly recognizes three of the six award winners as our own.

WV honorees in this elite group of national NCEES award winners included the following:

- **Leonard J. Timms, Jr., PE**
NCEES Distinguished Service Award
- **William E. Pierson, PhD, PE**
NCEES Distinguished Examination Service Award
- **Kenneth H. Means, PhD, PE**
NCEES Distinguished Examination Service Award

“Small yet mighty” are the words used by the WV PE Board’s Executive Director when describing the geographic size of her small state in comparison to the important contributions made on a national level by her PE Board members. With only a fraction of licensees compared to other Member Boards throughout the country, the volunteer efforts, committee work and dedication in both elected and volunteer positions from West Virginia speaks volumes. “It was a wonderful evening to witness our WV PE Board members being honored before their families, friends and colleagues for giving tirelessly to NCEES and to the engineering profession for decades. I couldn’t be more proud.”

The winners were honored at the NCEES annual meeting, held August 24-27, 2016, in Indianapolis, Indiana. The following is a portion of each of their press releases:



NCEES honors WV professional engineer Dr. Kenneth H. Means for service



Kenneth H. Means, PhD, PE, of Morgantown, West Virginia, has been awarded the NCEES Distinguished Examination Service Award for his dedicated

service to NCEES and the engineering profession. Means received this award at the organization’s 95th annual meeting, held August 24-27, 2016, in Indianapolis, Indiana.

Means began volunteering with NCEES exam development in 1982, working primarily on the Fundamentals of Engineering exam. Two years later, he began working with the Principles and Practice of Engineering Mechanical exam, when he and another volunteer assembled the entire exam of 40 essay questions.

Over the past 34 years, Means has continued to work in a variety of ways to support engineering licensure exams and the mission of NCEES. He has written many PE Mechanical exam items, taken part in preliminary item analyses to assess the quality of exam items, and participated in studies to update the exam specifications.

He has served as Chair of the PE Mechanical committee and as Chair and Vice Chair of the Mechanical Systems and Materials module. He has also trained and supported other exam development volunteers.

Means has been a part of many changes to the PE Mechanical exam, helping with the exam’s conversion from an essay format to multiple choice and now working toward the transition to computer-based testing.

Means was a member of the WV State Board of Registration for Professional Engineers from 1981 to 1997, serving terms as President and Vice President during this time. He was a member or consultant to the Committee on Examinations for Professional Engineers for eight terms and also served as Vice Chair. He served on several other NCEES committees during his board tenure, including the Committee on ABET and the ad hoc Committee on Office Automation, aimed in part at streamlining the exam process to improve efficiency.

A licensed professional engineer since 1971, Means is a professor of mechanical and aerospace engineering at West Virginia University. He received his bachelor of science and doctoral degrees in mechanical engineering from West Virginia University. He received his master’s of science degree in mechanical engineering from Drexel University.

NCEES honors WV professional engineer Dr. William E. Pierson for service



William E. Pierson, PhD, PE, of Scott Depot, West Virginia, has been awarded the NCEES Distinguished Examination Service Award for his dedicated service to NCEES

and the engineering profession. Pierson received this award at the organization's 95th annual meeting, held August 24-27, 2016, in Indianapolis, Indiana.

A dedicated supporter of the Fundamentals of Engineering (FE) exam, Pierson is a past Chair and Vice Chair of the committee as well as past Chair of the electrical engineering subcommittee. In addition to writing exam items since the early 1990s, Pierson has worked on preliminary item analyses to assess the quality of exam items. He has also worked on the subcommittee to select approved calculators for use on NCEES exams and assisted with the development of the FE Supplied Reference Handbook and exam preparation materials.

In the 26 years that Pierson has volunteered with the FE Exam Development Committee, the FE exam has undergone substantial changes. It moved from a single pencil-and-paper exam for all disciplines to a breadth-and-depth exam with common and discipline-specific sections and then to a computer-based exam offered in seven disciplines.

Pierson was a member of the WV State Board of Registration for Professional Engineers from 2006 to 2016 and is now an emeritus member. During his board tenure, he served as Board Vice President and also served four terms each as a member of the NCEES Committee on Examinations for Professional Engineers and the Committee on Education. He also served as a member of the NCEES Engineering Education Award jury and as the NCEES alternate representative to the ABET Board of Directors.

Pierson is committed to advancing intern certification and PE licensure. As a member

of the West Virginia PE Board, he met with engineering deans at various state colleges and universities to discuss the effectiveness of the FE exam as an outcomes assessment tool. He also gave presentations on NCEES licensing exams, including the FE exam's transition to computer-based testing.

A licensed professional engineer since 1975, Pierson is professor emeritus at Marshall University's Weisberg Division of Engineering. He earned a bachelor of science degree in electrical engineering from West Virginia Institute of Technology, a master of science degree in electrical engineering from West Virginia University, and a PhD from the University of Missouri-Rolla.

NCEES honors WV professional engineer L. Joseph Timms, Jr., PE, for service



L. Joseph Timms, Jr., PE, of Bridgeport, West Virginia, has been awarded the NCEES Distinguished Service Award

for his dedicated service to NCEES and the engineering and surveying professions. Timms received this award at the organization's 95th annual meeting, held August 24-27, 2016, in Indianapolis, Indiana.

Timms was a member of the West Virginia State Board of Registration for Professional Engineers from 1998 to 2016. During this time, he served as Board President and Secretary. In 2016, he was named an emeritus member of the board.

Timms served on the NCEES Board of Directors from 2007 to 2012 while fulfilling terms as President and Northeast Zone Vice President. During this time, he was board liaison to a number of NCEES committees and task forces, including the Committee on Uniform Procedures and Legislative Guidelines, the Committee on Examinations for Professional Engineers, and the Education Task Force. He also served three terms as a member of the Committee on Law Enforcement and chaired the Foreign Experience Evaluation Task Force. He most

recently served as chair of the 2015-16 Advisory Committee on Council Activities.

A resource and advocate for licensure and ethical responsibilities, Timms is actively involved in other professional and community organizations. He is a Fellow of the American Society of Civil Engineers and a member of the ASCE Committee on Licensure. He has made dozens of presentations on the value of licensure and the ethical obligations for professional engineers at West Virginia universities. As a member of the Advisory Committee and Engineering Visiting Committee for the West Virginia University Department of Petroleum and Natural Gas Engineering, he has promoted the need for faculty members to be licensed. For more than a decade, he has taken part in the West Virginia PE Board's continuing education presentation at the annual West Virginia Construction Design and Exposition.

Timms has more than 50 years of experience in civil engineering, management, and energy consultancy. He retired as president and CEO of Consolidated Natural Gas (now Dominion) Transmission Corporation, a Fortune 500 company. Since his retirement almost 20 years ago, Timms has been active as an adjunct professor of management, a management and energy consultant, and mayor of his city for 8 years.

Timms holds a bachelor's degree in civil engineering from the Massachusetts Institute of Technology and a bachelor's degree in business and economics from Salem International University. A former chair of the Davis and Elkins College (W.Va.) board of trustees, Timms received an honorary doctor of law degree from the college following his 2008 commencement address.

The following is a numerical summary of registered individuals and firms as of September 15, 2016.

- » Active PEs.....8601
- » Retired PEs 307
- » Active COAs 3213

COA Status Summary for December 2015 COA Renewal

- » Active Firms Receiving COA Renewal Notification in November 20153230
- » Non-Responding Firms that resulted in Lapsed Status91

2016 WV LICENSEE STATUS REPORT

To view or download a complete roster of the Active PE licenses, Firm Certificates of Authorizations (COAs), and Retired PEs, simply visit our website. You may also access the online verification search to determine if a particular individual and/or firm is authorized to practice, or even offer to provide engineering services in WV. In the past, our site (and this newsletter) contained disclaimers indicating that users should use the rosters and online verification systems with caution, noting that the search mechanisms were only updated every 60-90 days. However, we are extremely pleased to report that we have implemented a new in-house database and all rosters and online verification search tools are now pulling data in “real-time”. All submitted address changes, new employer updates, new licensees, as well as any recent Board changes to the status of a licensee will appear immediately unless an action is required by staff before it will post. If such an action is required by staff, they will receive a flashing warning the next time they log into the database and be prompted to perform the check and release the “real-time” update. In most instances, such approvals are performed during the normal course of business and multiple times throughout each work day. If, however, an after-hours/weekend/holiday submission occurs that requires staff action, rest assured such will take place within a maximum of 1-2 hours of our office opening on the next official business day.

Summary Note: Due to our upgraded technology and “real-time” search features available on our website, we are no longer publishing lengthy newsletter lists within our newsletter of those PEs or firm COAs with Lapsed, Inactive or Invalidated status. It is quite possible these individuals or firms may have already begun or completed the reinstatement process to bring such non-practicing status situations into Active status and good standing. Again, visit our website for complete status details for any WV PE or WV COA, or simply contact the Board office with any specific questions.

COA RENEWAL FOLLOW-UP

In the early months of the 2016 calendar year, shortly after the January 30th COA deadline for renewal with late fees, several issues came to the attention of the WV PE Board staff where the COA renewal fee submissions did not appear to match earlier submissions and the reported number of PEs claimed for the employer in previous years. For this reason, correspondence was sent on behalf of the Board to each firm and their Engineer In Responsible Charge (EIRC). This correspondence contained a COA Questionnaire that asked the following 2 simple questions:

Total Number of Employees associated with your COA.

NOTE: This must include every employee on your payroll for the main office as well as all branch locations with the same COA.

	1 Employee
	2-25 Employees
	25+ Employees

Total Number of Professional Engineers (PEs) associated with your COA.

NOTE: This must include every registered professional engineer from any jurisdiction, not just WV PEs.

	1 Professional Engineer
	2 or 3 Professional Engineers
	4 or more Professional Engineers

The EIRC was asked to simply respond to these 2 questions and return to the Board office no later than March 7, 2016. Upon receipt, Board staff verified the responses against the firm’s new application, renewal information and/or fee submission and then followed up with those who had apparent discrepancies. Slightly more than 11%, approximately 350 COAs, were discovered to have discrepancies and potential problems with their 2015-16 Certificate of Authorization (COA) Renewal, or new COA application, when compared to their response to the Board COA Questionnaire. Specifically, discrepancies existed regarding the total number of employees and/



or the total number of Professional Engineers (regardless of state of licensure) working for their firms. In order to maintain active status of the current COA, the firm was required to review the discrepancies and make the necessary corrections in the data responses or submit the correct corresponding fee for the correct number of employees and/or PEs working under that COA.

The Board explained in the correspondence that the differences in the responses to the questionnaire vs. the COA application or renewal may simply have been an oversight on the part of the individual who handled the application/latest renewal process or perhaps the information was correct at the time of application/renewal but has changed. If this was the case, the Board asked for a basic written explanation to file with their COA record documents. If the response to the COA Questionnaire was and continued to be correct, meaning the discrepancy existed, the Board asked the company to rectify this situation by sending in the additional required payment. In order to ensure the current accuracy of the size of the firms practicing engineering in West Virginia, the Board decided to disregard prior years and simply allow firms to pay the difference between the correct 2016-17 renewal fee/original application fee and the actual required fee payment made by the company. Of course, they must agree to continue to renew based on then current and correct information or possibly subject themselves or their firm to disciplinary action based on misinformation to the Board.

Details of such discrepancies were presented in the form noted below:

- _____ Original COA Application Fee paid by firm
- _____ Correct COA Application Fee based on COA Questionnaire Response
- _____ Posted 2015 COA Renewal Payment paid by firm
- _____ Correct 2015 COA Renewal Fee based on COA Questionnaire Responses
- _____ Total of all noted discrepancies on most recent payment history attached
- _____ One-Time payment needed to correct the deficiency

For those firms who needed to pay an additional amount to reflect the size of their firm as of this 2016-17 licensure period, the Board respectfully requested the one-time payment via check or money order within 14 days of the date of the correspondence (no later than July 7, 2016).

As of September 15, 2016, the following is a summary of those firms with COA discrepancies and who potentially owed the Board additional funds:

26 explanations received and no fee required (firm was in compliance, ie, a PE added after renewal, error in completion of questionnaire, etc.)

7 elected Inactive Status (signed documentation they were no longer practicing or offering engineering services in WV)

319 payments collected to date - Total = \$139,625

The Board would like to thank all firms involved in this administrative matter who provided a thorough and expeditious response to the Board Questionnaire and follow-up. The Board would also like to highlight that two firms reported inaccuracies in multi-year renewals and were not only apologetic but insistent that they pay the full amount of the arrears payments and not simply the 2015 discrepancy option offered by the Board. In the first instance, the firm's EIRC thanked the Board for their gracious offer but elected to send in the full \$1500 discrepancy in lieu of the \$500 one-time, reduced payment request. In the second instance, the EIRC stated that while he certainly appreciated the Board's generosity, he did not feel compelled to take advantage of the situation and they submitted \$150 in lieu of the \$100 one-time payment option offered.

First WV PE Biennial Renewal Season Is Upon Us

NEW PE FEE REDUCTIONS (as of July 2016)

2015 and prior

- PE License Renewal \$40 / year
- Retired PE License Renewal \$25 / year

2016 and until further notice*

- PE License Renewal \$70 / biennially
- Retired PE License Renewal \$30 / biennially

*WV PE renewal fees have remained the same since July 2001. The PE Board and staff have worked diligently to increase services and implement technological advances without any PE fee increases. In fact, with our new PE Roster approaching 8700 Active PEs, our new PE fee structure was able to be reduced to the same level as set by WV Legislature in 1993 and the PE-Retired renewal fee is lower than in documented history.

THE FINAL STEP IN THE MUCH ANTICIPATED TRANSITION

In a letter dated May 14, 2015, addressed to all Active WV PEs and COA holders, the WV PE Board was pleased to announce its success during the 2015 Legislative Session in having 2-year renewals authorized and changing the licensure year to the calendar year, both of which our stakeholders clearly preferred and have been requesting for years. Due to other sections of WV law, we were required to adjust our receipt of revenue in comparison to budgeted expense and, for that reason, were required to stagger the biennial renewals for PEs and COAs. Therefore, the 2-year cycle for COAs began on January 1, 2016 and for PEs will begin January 1, 2017. Obviously, there were some issues that arose in the transition to this 2-year licensure period that, by Board action, are being resolved as follows:

The renewal process for PEs for the 2015-2016 licensure period began with a letter outlining that the traditional 12-month licensure period would extend an additional six (six) months such that your PE license does not expire until December 31, 2016. For that 2015-2016 PE renewal period, the Board delayed the requirement to report the fifteen (15) professional development hours (PDHs). In addition, PEs simply paid the regular \$40 annual renewal fee but enjoyed the benefit of the additional six months of licensure. Now that this 18-month transition is nearing completion, we are preparing for the 2017-2018 renewal where PEs must document thirty (30) PDHs prior to the issuance of a new license, which will be valid from January 1, 2017 through December 31, 2018. The thirty (30) PDHs is simply twice the number previously required for an annual renewal. If the licensee has earned more than the required 30 PDHs in the allowable timeframe, he/she should claim those as well because the Board now allows for up to 15 carryover hours into the next 2-year renewal cycle.

In other words, those wishing to renew their current license (which expires on December 31, 2016), simply complete the basic online renewal form, submit the new reduced fee of \$70 (instead of \$80), and your license will be renewed through December 31, 2018. Prior to the expiration of your 2015-16 license, you will submit the new renewal fee (which was set forth in new legislative rules approved during the 2016 WV Legislative Special Session) and document 30 PDHs obtained between July 1, 2014 (or your 2014 renewal date) and December 31, 2016 (or your 2016 renewal date). Essentially this transition has afforded each WV PE an extra six months to earn the required continuing education during our transition year. The Board waived six months of the regular annual renewal fee (a \$20 savings) and six months of required continuing education (7.5 PDHs) in an effort to aid in a quick and efficient transition that would be amenable to our licensees.

Another change that was implemented during the COA renewal season in late 2015 is also being implemented during the upcoming PE renewal season which is the reduction in the grace period following the December 31st deadline. The Board grace period where a license can still be renewed by submitting late fees changed from ninety (90) days to one month. This means that all WV PE licenses not renewed by January 31, 2017 will lapse and then require submission of a reinstatement application package to return to active status.

One additional, yet important, change in W.Va. Code 30-13-18 drops the requirement that the WV PE Board mail a notice of renewal requirements to each licensee at their last known address. It is contemplated that future renewal notices will be emailed to current licensees, as well as continue to be displayed prominently on the Board's website at www.wvpebd.org. For this reason, please remember to keep your email address(es) current with the Board.

The new renewal processes will reduce the amount of time and cost needed by both you and our staff to ensure professional engineers and engineering firms serving West Virginia are properly credentialed. We will strive to continue to find ways to best serve our licensed PEs and firms, while fulfilling the Board's mission to protect public health, safety and welfare.



CPC Tracking – 2 New Tools for Your Use

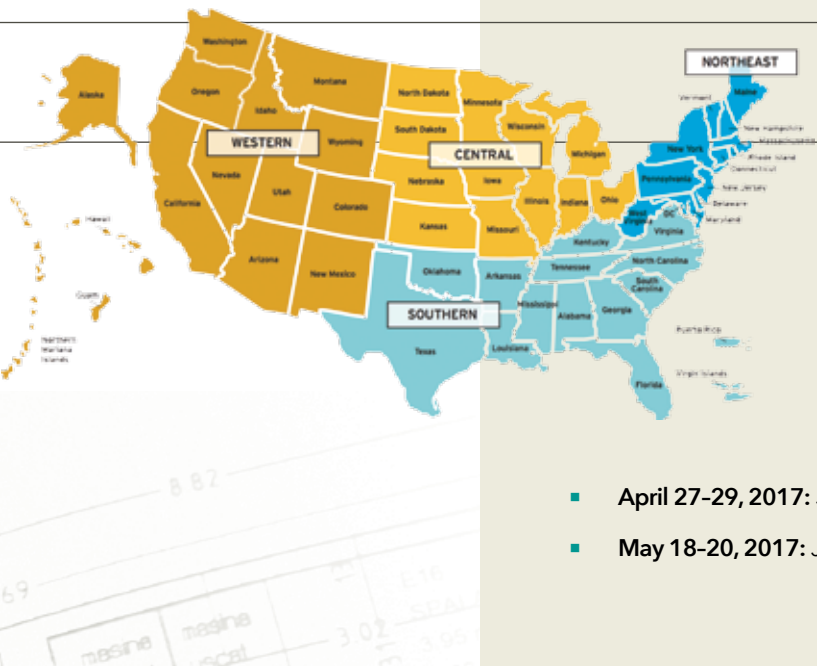
YOU HAVE ASKED AND WE HAVE ANSWERED!

The above “We” refers to the WV PE Board as well as NCEES. Most state licensing boards require licensed professional engineers and surveyors to meet a continuing professional competency (CPC) requirement to renew their license. The WV PE Board recently unveiled their year-round continuing education online activity log. You may report your continuing education activity participation at any time by logging into your personal WV database record, 365 days a year, 24 hours a day. You no longer have to wait and type all entries during the processing of your online WV PE renewal transaction. This will be a great benefit as we move to the multi-year renewal which requires a minimum of 30 qualifying professional development hours (PDH) to successfully renew.

You may also conveniently track and report your CPC requirements for free through your MyNCEES account.

How to track your CPC courses and requirements

1. Identify the state licensing board(s) for which you would like to track CPC requirements. Log into your MyNCEES account and select CPC Tracking to select the appropriate state licensing boards and enter renewal period information for each.
2. Enter CPC course information when you complete a continuing education course by adding the course information and corresponding PDHs. Supporting documentation can be uploaded to your account and the course and PDHs will be applied to the appropriate states.
3. Track your progress and view a side-by-side comparison of the state’s requirements and your completed CPC courses.
4. Transmit your completed CPC report to the relevant state licensing board(s) at the appropriate time. Check with the various state licensing boards for specific requirements.



Where Do You Fit In?

NCEES is made up of 70 engineering and surveying licensing boards that represent all U.S. states, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands. These boards are divided into four zones: Central, Northeast, Southern, and Western.

The zones generally meet twice a year—at the annual meeting in August and at the zone interim meeting in the spring. The 2017 zone interim meeting dates are as follows:

- **April 27-29, 2017:** Joint Northeast/Southern Zone, St. Thomas, Virgin Islands
- **May 18-20, 2017:** Joint Central/Western Zone, Denver, Colorado

CALENDAR of events - 2017

JAN	21	PE Application Deadline for April 2017 Exam Administration
JAN	24	Board Meeting , WV PE Board Office, Charleston, WV PE Exam Candidate Interviews, Charleston, WV
FEB	19-25	National Engineers Week - various Board activities/speaking engagements
MAR	21	Board Meeting , WV PE Board Office, Charleston, WV
MAR	22-23	38th Annual WV EXPO + Continuing Education Seminars , Charleston, WV
APR	21-22	NCEES PE and Structural Exams , Charleston and Morgantown, WV
APR	27-29	NCEES Joint Northeast/Southern Zone Meeting , St. Martin, U.S. Virgin Islands
MAY	16	Board Meeting , WV PE Board Office, Charleston, WV
JUL	18	Board Meeting , WV PE Board Office, Charleston, WV
JUL	29	PE Application Deadline for October 2017 Exam Administrations
AUG	7	PE Exam Candidate Interviews , Charleston, WV
AUG	23-26	NCEES Annual Meeting , Miami, FL
SEPT	19	Board Meeting , WV PE Board Office, Charleston, WV
OCT	27-28	NCEES PE and Structural Exam , Charleston and Morgantown, WV
NOV	14	Board Meeting , WV PE Board Office, Charleston, WV

