

interchange

Informing Professional Engineers of developments that influence their honored profession



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Board President
Bridgeport

Edward L. Robinson, PE, PS
Board Vice-President
Cross Lanes

Bhajan S. Saluja, PE
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ENCLOSED
YOUR STATUS REPORT



Message from the Executive Director

Lesley L. Rosier-Tabor, PE

Time flies when we are having fun! Another year has passed, and with the technology

and process improvements we continue to implement within our agency, one would expect things to slow down at some point. However, exactly the opposite seems to occur. There is an old adage that says if you want something done quickly, give it to the busiest person you know. While it seems like a bit of a contradiction, it's true. Busy people are often busy because they like what they do and do it a lot! Sure, it is not always peaches and cream...but, by and large, people who stay busy and involved are more fulfilled and happier individuals.

As a youngster, I remember saying to my parents, "I am bored. There is nothing to do." Most parents likely hear that more often than they would like. As a new mother, I can only anticipate hearing those words come from my sweet little daughter's lips. Although my comeback will likely be a long-winded speech about all of the great wonders waiting to be discovered in the world and all the books waiting to be read and all of the random acts of kindness waiting to be performed, in the back of my mind I will know that it is not really about her having nothing to do. I full-heartedly believe that when one says they have nothing to do, be it a child or my administrative assistant, what they really mean is they need something to do that gets them excited, something worth-

while, something that they can sink their teeth into. So, as busy as we are, the Board members and I volunteered our agency to do something quite special, and I believe our staff agrees. So what is it you ask?

I am proud to announce that the West Virginia State Board of Registration for Professional Engineers has been selected to host the 2006 NCEES Northeast Zone Meeting. This event will take place May 18-20, 2006, at the Embassy Suites in Charleston, WV. The last time West Virginia was selected as the host site for this meeting was over 10 years ago. The Northeast Zone is comprised of 21 PE and LS jurisdictions from various states including West Virginia, Vermont, Virginia, Connecticut, Maine, Maryland, Massachusetts, Pennsylvania, New Hampshire, New Jersey, New York, Delaware, Rhode Island and the District of Columbia. Attendees at this Zone convention will be the lead staff of each state's board office, attorneys, investigators, NCEES staff and Directors, and State Registration Board Members who are professional engineers, land surveyors and public members.

This important gathering will set the atmosphere for important committee reports to be presented and licensure topics to be discussed and debated. Anticipated topics for discussion include current ABET issues, the proposed National ID numbering system for examination candidates, professional engineers and land surveyors, calculator issues and examination security, law enforcement and investigative issues,

minimum educational requirements for licensure, and much more. After the work is completed, luncheon and evening events are planned to showcase our capital city and the beauty of our mountain state. From visiting Charleston's Clay Center for the Arts and Sciences to a walk on the wild side with a catwalk excursion of the New River Gorge Bridge, we look forward to hosting our Northeast Zone counterparts for a productive and enjoyable event.

In closing, whether planning special projects such as this unique event, or simply performing our day-to-day activities, I am reminded that we are indeed fortunate to have selected engineering as our chosen profession. We are blessed to pursue work that enhances the quality of life for our families, friends and communities. While the work is challenging, and more importantly rewarding, I continue to be honored to serve as the Executive Director of this Board. As our agency looks forward to another successful year, we understand your expectations are high. We will constantly strive to deliver the excellent customer service you deserve. I can only hope you will share your candid thoughts on how we can continue to make improvements within our agency to better serve our WV engineering community and those outside of WV who practice in this great state! As always, I would like to extend a special thank you, to our Board members and our dedicated staff who truly take their jobs to heart and make my career choice one I am proud of each and every day.

Board Staff

Lesley Rosier-Tabor, PE
Executive Director

Don Johnson, PE
Board Investigator

Charlotte Keller
Administrative Assistant

Vicki Rose
Administrative Assistant

Tara Smith
Administrative Assistant

A True Engineer In Training?

It is very possible given who her parents are!

Lesley Rosier-Tabor, PE and David Tabor, PE are the extraordinarily proud parents of a baby girl, Paisley Kathryn-Mae. Born on November 1, 2005, she weighed in at 7 pounds 4 ounces and was 19 3/4 inches long. The photo shown here was taken at 3 months as she proudly debuts her new bib, a gift from a friend and former WVUIT student of Lesley's.

Welcome to the world, Paisley!



Board Updates



Leonard J. Timms, Jr., PE

Board President Re-Appointed

Pursuant to W.Va. Code §30-13-4, Leonard J. Timms, Jr., PE of Harrison County, WV was re-appointed to the West Virginia State Board of Registration for Professional

Engineers on October 20, 2005. This re-appointment was made by Governor Joe Manchin and is awaiting confirmation by the WV Senate. His second term is slated to end June 30, 2010.

Mr. Timms earned a Bachelor of Science degree in Civil Engineering from Massachusetts Institute of Technology (MIT) in 1958. He later earned another Bachelor's degree in Business Management and Economics from Salem College in 1975. Mr. Timms worked most of his career in the oil and natural gas industry. For 10 years prior to his retirement in 1995, Mr. Timms was president and CEO of CNG Transmission Corp., an Interstate Natural Gas Pipeline Company and the largest subsidiary of Consolidated Natural Gas.

In addition to serving as WV PE Board Secretary and President during his first term, Mr. Timms has accepted many leadership roles in his local community, statewide and nationally. Below is just a glimpse of some of his most notable activities in recent years:

- Mayor – City of Bridgeport, WV (elected for two consecutive 4-year terms)
- City Council – City of Bridgeport
- Board member – Harrison-Marion Regional Airport
- Board member and Chairman – Board of Trustees, Davis & Elkins College
- Member, Project Advisory Committee – Harrison County Transportation Study
- Adjunct Professor – Salem International University
- Board of Directors – WV Municipal League
- Chairman – Sanitary Board, City of Bridgeport
- Chairman – Bridgeport Development Authority
- Chairman – Greater Bridgeport Convention and Visitors Board
- Board Member – Harrison County Chamber of Commerce
- Board Member – Lions Club and United Way of Clarksburg
- Strategic Management Consultant

- Multiple NCEES committee assignments, including Finance and Law Enforcement
- Member of several professional organizations, including ASCE, SGA, AGA

A resident of Bridgeport, WV, Mr. Timms and his wife Annabell have three daughters and four grandchildren. **Welcome back, Joe!**

Since the Winter 2005 issue of the **interchange** newsletter, there have been several changes on the Board as apparent by other articles found within this publication. The following summarizes the current status of the Board and any changes in terms, Board members and elected positions.

Mr. Leonard J. Timms, Jr., PE
Board President - Term expires June 30, 2010*

Mr. Edward Robinson, PE, PS
Board Vice-President - Term Expires June 30, 2009

Mr. Bhajan S. Saluja, PE
Board Secretary - Term expires June 30, 2006

Mr. Richard E. Plymale, Jr., PE, PS
Board Member - Term expires June 30, 2007

Dr. William E. Pierson, PhD, PE
Board Member - Term Expires June 30, 2008*

*Gubernatorial appointment awaiting Senate confirmation



William E. Pierson, PhD, PE

Governor Appoints New PE Board Member

William E. Pierson, PhD, PE of Cabell County, WV, was appointed to the West Virginia State Board of Registration for Professional Engineers on October 20, 2005.

This appointment was made by Governor Joe Manchin and is awaiting confirmation by the WV Senate. His appointment fills the vacancy of a term slated to end June 30, 2008.

Dr. Pierson earned a Bachelor of Science degree in Electrical Engineering from West Virginia Institute of Technology (WVIT) in 1969. He later earned a Masters of Science degree in Electrical Engineering from West Virginia University in 1973 and then graduated

from University of Missouri – Rolla in 1976 with a PhD in Electrical Engineering.

Dr. Pierson began his engineering career as an Assistant Professor of the Electrical Engineering Technology program at WVIT and subsequently entered industry as an engineer in the Special Instrumentation Department with Union Carbide. Within a few years, Dr. Pierson returned to WVIT as an Associate Professor and Coordinator of the Computer Science Department. Dr. Pierson remained on the faculty of WVIT for over 20 years where he taught a wide range of courses, including embedded systems, data communications, industrial instrumentation and digital signal processing. In 2000, Dr. Pierson joined the faculty of Marshall University's College of Information, Technology and Engineering as Chair of the Division of Engineering and Computer Science. In addition to 34 years of

teaching experience, Dr. Pierson has served as a consultant to a number of local and regional businesses.

Although new to the WV PE Board, Dr. Pierson is intimately familiar with the licensure process and the National Council of Examiners for Engineering and Surveying (NCEES). He has been a member of the NCEES Fundamentals of Engineering Exam Committee for the past 15 years where he has served as the EE subcommittee chair and currently serves as Vice-Chair of the FE Exam Committee. Dr. Pierson is also a member of several other professional organizations including ASEE, Tau Beta Pi, and Eta Kappa Nu.

A native of Charleston, WV, Dr. Pierson and his wife Barbara currently live in Milton, WV. They have three children and six grandchildren. **Welcome aboard, Bill!**

Board Disciplinary Actions

As part of meeting its mission of safeguarding life, health and property, and to promote the public welfare, the WV Board actively enforces the statutes and rules within its jurisdiction. Below is a summary of formal complaints that resulted in disciplinary action during FY 2004-05. Numerous other investigations were conducted, some resulting in formal complaints which are still pending; some closed because the charges were unsubstantiated or considered trivial; and some closed after informal corrective action or warning.

The actions below were either a result of a final order entered after a formal hearing or a

consent agreement resulting in an informal settlement. These final orders and consent agreements are public records. If you are interested in knowing more about the nature of the complaint, you may request a copy of any consent agreement pursuant to the State's Freedom of Information Act. The final orders and consent agreements are also posted on the Board website.

All civil penalties are made payable to the State of West Virginia and 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 cover costs incurred in the investigation and complaint

resolution efforts. Administrative costs may be waived if the complaint is resolved with a minimum of expense, including staff time.

***Disclaimer:** Every effort has been made to ensure that the following enforcement information is correct. However, this information should not be relied upon without verification from the Board office. 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.*

- CASE NUMBER:** C2004-6 **Gary Stevens, Unlicensed, Chester, WV**
VIOLATION: Practicing engineering in West Virginia without a license and deceiving and defrauding the public [W. Va. Code §30-13-2, W. Va. Code §30-13-21(a)(11) & §7CSR 1.15.1]
RESOLUTION: Board hearing held, respondent was fined \$1,000 for each violation plus \$1,500 administrative costs pursuant to Board order. Case closed 10/24/05.
- CASE NUMBER:** C2004-7 **Wilhelm Dix, Unlicensed, Virginia Beach, VA**
VIOLATION: Practicing engineering in West Virginia without a license, misuse of seal, and deceiving and defrauding the public [W. Va. Code §30-13-2, W. Va. Code §30-13-3(e), W. Va. Code §30-13-21(a)(11) & §7CSR 1.15.1].
RESOLUTION: Board hearing held and respondent was fined \$5,000, \$5,000 and \$15,000 respectively plus \$1,000 administrative costs pursuant to Board order. Collection is in progress.
- CASE NUMBER:** C2004-8 **American Homes Design Build Group, COA 2259, Martinsburg, WV**
VIOLATION: Practicing engineering in West Virginia without a license (related to Dix complaint) and company did not have a Certificate of Authorization [W. Va. Code §30-13-2, W. Va. Code §30-13-17(a) & §7CSR 1.15.1].
RESOLUTION: Consent agreement signed. COA issued after payment of civil penalty of \$1,000 for each violation and administrative costs of \$100.
- CASE NUMBER:** C2005-1 **Environmental Regulatory Services, COA 1020, St. Albans, WV**
VIOLATION: Company did not maintain Certificate of Authorization [§30-13-17(a) & §7CSR 1.15.1].
RESOLUTION: Respondent self reported and corrected violation. Complaint dismissed. Case closed 1/31/05.
- CASE NUMBER:** C2005-4 **Dennis Nelson, PE 9994, Eau Clair, WI**
VIOLATION: Failure to provide assistance to Board in regard to potential violation of the West Virginia Code and non-compliance with a Board request [W.Va. Code §30-13-21(a)(6), §7CSR-1-12.3 (h) & §7CSR 1.15.1].
RESOLUTION: Consent agreement signed. Civil penalty of \$500 and administrative cost of \$200 paid. Case closed 11/23/05.
- CASE NUMBER:** C2005-5 **Don Andelmo, PE 16464, North Huntingdon, PA**
VIOLATION: Practicing engineering in West Virginia without a license and company did not have a Certificate of Authorization [W. Va. Code §30-13-2, W. Va. Code §30-13-17(a) & §7CSR 1.15.1].
RESOLUTION: Consent agreement signed. PE license and COA issued after payment of a civil penalty of \$500. Case closed 8/4/05.
- CASE NUMBER:** C2005-7 **Walter Wilcox, PE 16254, Dallas, TX**
VIOLATION: Practicing engineering in West Virginia without a license and providing false information to the Board [W. Va. Code §30-13-2, W. Va. Code §30-13-21(a)(11) & §7CSR 1.15.1].
RESOLUTION: Consent agreement signed. PE license issued after payment of civil penalties of \$250 and \$500 respectively plus administrative costs of \$100. Case closed 1/17/06.
- CASE NUMBER:** C2005-8 **Hinkle Engineering, COA 2415, Darien, IL**
VIOLATION: Practicing engineering in West Virginia without a Certificate of Authorization [W. Va. Code §30-13-17 (a) & §7CSR 1.15.1].
RESOLUTION: Consent agreement signed. COA issued after payment of a civil penalty of \$250. Case closed 11/21/05.
- CASE NUMBER:** C2005-9 **Charles Keyes, Keyes Architects, Louisville, KY**
VIOLATION: Practicing engineering in West Virginia without a license [W.Va. Code §30-13-2 & §7CSR 1.15.1].
RESOLUTION: Consent agreement signed reflecting a misunderstanding regarding the requirement that engineers must seal their work even when done under the supervision of an architect. The architect was reprimanded for his actions. He also provided a list of names of the engineers who worked on the project. Case closed 1/25/06.
- CASE NUMBER:** C2005-10 **L.A. Fuess Partners, COA 2315, Dallas, TX**
VIOLATION: Practicing engineering in West Virginia without a Certificate of Authorization [W. Va. Code §30-13-17 (a) & §7CSR 1.15.1].
RESOLUTION: Consent agreement signed. COA issued after payment of a civil penalty of \$250. Case closed 1/17/06.

(Cases C2005-7 and C2005-10 were jointly resolved in one consent agreement.)

Attributes of Responsible Charge

By David L. Peeler, PE, Board Chair, North Carolina Board of Examiners for Engineers and Surveyors

Editor's Note: This article is reprinted with permission to provide a perspective on the issue of responsible charge that the West Virginia Board believes to be relevant to West Virginia licensees.

While the number of issues the Board deals with remains fairly consistent from year to year, the subject matter and complexity vary. Many times these issues come from violations activities; most frequently they result from inquiries as to Board policy. This year has been no exception with issues ranging from what constitutes engineering in the pharmaceutical processes to responsible charge clarification where multiple employment conditions exist.

It is interesting that the question over responsible charge continues to surface and frequently where a complaint has been filed. Occasionally articles have been written over the years that have provided interpretation, but the one that stands out as the best of all time was written by Al Bass, PE, PLS, in 1988. It has been referred to repeatedly. First, it is necessary to understand that our Statutes define "responsible charge" as having "the direct control and personal supervision, either of engineering work or land surveying, as the case may be." The questions have been the guide for interpreting the requirement of responsible charge in the Statute and Board Rules. I am presenting an updated list of questions that reflect changes in the ensuing 16 years.

Key Ingredients of Being in Responsible Charge

The following attributes serve as indicators of compliance with the responsible charge requirement over professional services:

1. Do you supervise the individual performing the work?
2. Do you obtain or set the project parameters or criteria?
3. Can you require changes to the work and dictate the manner and methods by which the work is performed or the scope of involvement by the individual? (over the individual's objections without negative impact on your job status, advancement or compensation)

4. Are you involved from start to finish as the individual performs the work?
5. Are there procedures for quality control and authority over the work that assure that you, as the professional licensee, are in control of the work and the individual performing the work?
6. Is the extent of time spent with the individual during the course of the performance of the work sufficient for you to be familiar with the details of the work?
7. How familiar are you with the capabilities and methods of the individual performing the work and over what period of time? (This goes to the question of how closely you must directly supervise the details of the individual's work)
8. Did you train the individual?
9. Are you in close proximity or do you have readily accessible contact with the individual, either by physical location or by frequent, clear and full communication in verbal and visual form of the work being performed? (This allows consideration of electronic communication where it is the equivalent of personal contact in the extent of information exchanged.)
10. Are you competent by training and experience in the field of engineering or land surveying which is represented by the drawings or work in question?

While not all of these attributes are necessary to exercise responsible charge, there would be little question that the intent of the Statute was met if they all were applicable. In the profession today where design production work is being shipped abroad, how many of these attributes can truly be complied with? Likewise, how does this apply to multiple employment situations? Clearly both issues test the interpretation and application of these attributes. While we must recognize the industry is changing, logic and common sense must be applied.

Plan Stamping

What is plan stamping? It is an illegal action, whereby a PE places his or her registration seal on drawings, designs and/or specifications that he or she did not author or for which he or she did not have personal professional knowledge and direct supervisory control and responsibility. This practice is illegal in West Virginia (see W.Va. Code §30-13-13 (c) and §7CSR 1-7.3) and virtually all other states throughout the country.

For a short time last year, internet ads declared you could get your documents sealed by a PE claiming to be licensed in multiple states for \$99 per sheet. While the internet is a remarkable communication tool allowing ease of access to virtually any service, this was certainly not an admirable one. The engineering world had now officially joined the ranks of buy-a-degree, buy-a-term-paper, buy-a-diagnosis and other such something-for-nearly-nothing services. Prompt action by those states in which the individual was a resident have eliminated this particular flagrant practice. However, has it stopped the practice in its entirety? This example provides a good opportunity to review one important aspect of our professional responsibility that is inherent with the engineering profession.

What is responsible charge? Section 30-13-3(g) of the W.Va. Code states, "responsible charge means direct control and personal supervision of engineering work." The example above does not meet the definition of responsible charge.

Where do you cross the line into plan stamping? Clearly if you prepare and seal the document you aren't plan stamping. If you are sealing documents prepared by others, it boils down to, are you in responsible charge? If you have the "10 Key Ingredients" that Mr. Peeler from the NC Board talks about in his article, you are. But how many must you have to be in responsible charge? Seven? Eight? The answer is that you as the professional must believe that you are in responsible charge, that you are knowledgeable of the work and that you trust that it protects the safety, health and welfare of the public before you place your seal on the document.

Licensure is a validation of our technical and professional competence and the seal you obtain is a physical symbol of your understanding of that responsibility.



Latest Publication of LRR Booklet

During the 2004 legislative session, a rewrite of the WV Rules and Regulations was submitted for consideration. While the WV Statute has not changed since 1992, many necessary revisions were made to the Rules and Regulations and were effective July 2004. At that time, a booklet publication entitled *WV Laws, Rules and Regulations* was mailed out to over 12,000 active WV PEs, companies, retired engineers, engineer interns and current applicants.

Please remember, it is your responsibility to read, understand and honor the requirements outlined in this publication detailing the current WV law governing our profession. You should also recognize that each year when you sign and return your annual renewal form, you attest to the following:

I also hereby certify that I have read and understood the Laws, Rules and Regulations of the WV Board of Registration for Professional Engineers.

Should you need a copy of the current WV Laws, Rules and Regulations, simply:

1. Contact the WV Board office and we will be happy to send you a paper booklet.
2. Visit our website to view in Adobe or download and print the booklet from www.wvpebd.org/laws_rules_regs1.html
3. Visit the Secretary of State's website at www.wvsos.com to review state rules governing all professions (the Code of State Rules or CSR).



Investigator's Corner

Don Johnson, PE

It has been a busy and fast moving year. I have spoken to a number of groups and visited sites all over the state. I enjoy getting out and meeting people, sharing the Board's perspective and answering questions. Should you need a speaker for a brown bag luncheon or just want to have an informal discussion regarding an ethical

dilemma, simply give me a call and I will be glad to stop by.

With this being my first opportunity to publish the "Investigator's Corner," I wanted to follow up on an article in the 2004 newsletter entitled "Duty to Report Alleged Infractions." Professional engineers are required to report violations of the Rules of Professional Responsibility. This includes reporting of violations of related codes and laws such as safety, mining and health. It also includes non-professional conduct of others including ethical and business related issues. You will notice in the Board disciplinary action section of this newsletter, one registrant was disciplined for failing to provide assistance to the Board in reporting infractions of the code.

Another recurring problem we are witnessing is that of companies popping in to the state to do one project and popping back out without receiving proper licensure (individual PEs as well as companies). We also see companies submitting engineering proposals and then making application for a Certificate of Authorization (COA) only if they are successful in obtaining the work. It is imperative to remember that WV engineering law, as well as that of many other state jurisdictions, states practicing or even offering to provide engineering services without a WV PE license or WV COA is illegal. Although you and your company might be in the clear, as you are properly licensed, remember it is your duty to report violators when you encounter them.

Another item I continue to encounter is engineers not sealing the work they prepare for architects. The engineers I speak with inform me that the architects tell them not to seal the documents as they plan to place their architect's seal on them. While this may be acceptable for the architect, it is a clear violation of the code governing engineering documents. As you are likely aware, engineers are required to seal, sign and date all documents presented to a client or any public or governmental agency [W.Va. Code Law §30-13-16 (c)]. You will notice again in the disciplinary action section that a complaint was filed against an architect regarding this very issue. The architect was subsequently reprimanded, and the engineers involved in this project are being contacted to discuss their actions.

On a similar subject, I have received a number of inquiries from our registrants asking about architects using unlicensed engineers and even those with no engineering background to do engineering work. It is our understanding that the current law governing architects allows them to seal documents of those they engage as consultants, but the same rule requires those consultants to be registered (see §2CSR 9.5.2). Additionally, if the work in question is not sealed, we do not know who prepared the work, which makes our investigation all the more difficult.

Lastly, there is an extensive article in this newsletter on "responsible charge" and what it means from a legal standpoint. But what does it mean to you? Simply, you are responsible from an engineering standpoint, especially if something goes awry. WV Code allows a company to only have one person listed on their COA as the engineer in responsible charge even if they have multiple offices that span multiple states. If you are in responsible charge in such a company, do you know all of the people from other offices who might be working on projects in this state? Are those signing and sealing documents properly licensed and qualified to do what they are doing? Do you know all of what is going on even if you only have one office? From time to time, we find people who are listed in responsible charge whose name was simply placed on the COA application to meet the requirement allowing the company to work in West Virginia. If you have not read the article on what it means to be in responsible charge, let me recommend it to you.

In closing, it is your duty to report infractions of WV engineering law and we do accept informal inquiries. Remember that our primary duty is to protect the health, safety and welfare of the public. An important part of being a professional is assisting to uphold high standards and protect the integrity of the profession.

Should you have a specific question or a concern, do not hesitate to give me a call.

Sealing Record/As-Built Drawings

The Professional Use of Seals brochure, published as a joint effort with the West Virginia Board of Architects, has generated a lot of discussion amongst our registrants regarding the sealing of “record” or “as-built drawings.”

Series 1 of the Rules of the WV PE Board, Section 7CSR 1-7.3(a) states:

A registrant’s seal and signature shall appear on the first or title page of all final and/or record documents...

Neither the Board rules nor the WV Code currently define the terms “record” or “as-built.”

The Professional Use of Seals brochure asks:

Are record drawings (as-builts) required to be sealed?

According to the brochure the answer is **yes** for both architects and engineers.

The AIA Legal Guide to Documents, the American Public Works Association and the Construction Business Handbook all use the terms “record drawings” and “as-built drawings” interchangeably. From all of this, it seems clear that registrants need to seal record drawings and/or as-built drawings prepared by them.

The issue then arises regarding legal liability. The National Society of Professional Engineers (NSPE) sent out an article regarding Professional Liability and Risk Management. In that article, Richard Garber, Vice President of CNA/Schinner and Company (a major liability insurance underwriter) defines record drawings and as-built drawings as being different. According to Mr. Garber, “Generally, record drawings reflect significant changes made during the course of construction and are based on change orders and marked up prints or other data furnished by the contractor to the design professional. As-built drawings imply that they show how the project was actually built. To prepare actual as-built drawings would require continuous measurements and surveys during construction – none of which is usually contemplated by the parties when they talk about this aspect of services.”

So what is a registrant supposed to do?

Actually, the answer lies in the proper identification of the final documents. If the engineer prepares either the record drawings or the as-built drawings, he or she can label them as such but they must seal them. The documents may also have a disclaimer stating that the changes have not been verified by the engineer and that the engineer makes no warranty, implied or otherwise, concerning the accuracy or correctness of the documents.

Some have expressed concern about increased liability for sealed documents. However, there is always a potential for liability if an engineer fails to meet the “standard of care” in his or her work, and the act of sealing the documents does not change the potential liability if the engineer falls short in the preparation. There may be some liability if the engineer becomes aware of any problem during the course of preparing record or as-built drawings and takes no action.

The aforementioned brochure was mailed in our Winter 2005 edition of *interchange* to all WV licensed professional engineers and many architects, contractors, engineering and architecture firms, cities, counties, municipalities, public works directors and building code officials involved with such work in WV. If you would like additional copies of the brochure, please contact our office or simply visit our website for a free download.



NCEES Exam Updates



The following is a brief summary of recent information received from the National Council of Examiners for Engineering and Surveying (NCEES) concerning changes to examinations. The new specifications and standards were effective with the October 2005 exam administration. For more information on any of these updates, please refer to the NCEES website at www.ncees.org.

Calculators: The current list of approved calculators will remain in effect for the April and October 2006 exam administrations. Details on the calculator policies can be found in the article on page 11.

Pass/Fail Reporting: In accordance with NCEES Policy EDP14 and effective October 2005, scores for examination candidates will be reported only as pass or fail.

NCEES Tip Line: A new tip line for reporting a breach of security or an exam irregularity was created and went live for the 2005 exam administrations. The tip line can be accessed by completing an online form found on the NCEES website at www.ncees.org/exams/tipline/ or by calling 1-800-250-3196 ext. 296 or 467. Anyone reporting an incident has the option of remaining anonymous.

Exam Changes

- FE Exam (under revised specification)
- PE Civil (Transportation Design Standards)
- PE Industrial (under revised specification)
- PE Electrical and Computer Engineering (depth modules under revised specification)

2005 Licensee Status Report and Continuing Education Audit Outcome

The following is a numerical summary of registered individuals and firms as of January 2006. The results take into account all new licensees as well as those participating in the annual renewal process.

- >> Active PEs - 6050
- >> Retired PEs - 248
- >> Active COAs - 1636
- >> PE Inactive requests processed during renewal season - 174
- >> COA Inactive requests processed during renewal season - 38
- >> COA Revocations (failure to have an active PE in responsible charge) - 21

Lapsed Status Summary for 2005 Renewal Season

- >> PEs who failed to renew - 82
- >> Retired PEs who failed to renew - 14
- >> Firms with COAs who failed to renew - 29

Audit Summary for the 2005 Renewal Season

- >> Total PEs audited - 360
- >> Acceptable responses or change in status - 350
- >> Suspended PE licenses - 10

To view or download a complete roster of the Active PE licenses, Company Certificates of Authorization (COAs) and Retired PEs, simply visit our website. You may also access the online verification search to determine if a particular individual and/or company is authorized to practice, or even offer to provide, engineering services in WV. The posted licenses and COAs are valid through June 30, 2006. However, as noted in the site disclaimer, users should be cautioned that the current search mechanism is only updated every 30-60 days. All submitted address changes and new licensees, as well as any recent action by the Board changing the status of a licensee, will not appear immediately. Should you have a specific question regarding information found (or not found) in your search, please do not hesitate to contact the Board office for the most up-to-date information found on our secure, in-house database.

Lapsed PE Licenses – the following individuals did not respond to the 2005 Active PE renewal; therefore their licenses lapsed as of September 30, 2005.

WV PE #	LAST NAME	FIRST NAME	MI	WV PE #	LAST NAME	FIRST NAME	MI
013090	Allen	Kathy	R	014997	Loy	Michael	T
011937	Balaz	William	P	014770	Mccall	Glenn	W
008316	Battles	Fred	C	008029	Mcclellenn	George	M
013406	Bauer	Darryll	R	010578	Moomau	Frederick	B
014981	Bauers	Gerald	T	007990	Murphy	Michael	R
012209	Beverly	Jeffrey	J	015833	Mydlinski	Jeremy	L
010803	Butts	Michael	A	015727	Myers	Benjamin	G
013251	Cary-brown	Richard	L	014114	Nielsen	Arthur	T
007727	Casebeer	Earl	W	015852	Omatick	Teresa	A
013880	Ch'ang	Ernest	E	014206	Patel	Bharat	G
015166	Chase	Gary	E	013828	Patton	Jane-Ann	
013657	Chi	Michael		014699	Pauley	Jeffrey	W
015268	Ciniero	Geoffrey	L	014149	Putnam	John	A
014620	Clark	Raymond	J	014839	Quist	John	E
015756	Coenen	Jon	D	015661	Rhinehardt	Keith	E
012877	Davis	Randall	L	009806	Riley	Bryan	K
015859	Dickerson	Earl	H	013602	Russello	Thomas	J
005924	Diener	Robert	G	005874	Sandige	Richard	S
012135	Doucet	Lawrence	G	006410	Schnabel	James	J
015585	Dudzinski	Richard		010464	Schreiber	Dale	E
011337	Ebejer	John	P	013838	Sharp	William	C
014225	Eldridge	Jimmy	W	011902	Shatarah	Rudolph	S
013374	Fumbanks	John	F	011253	Shiflett	Ronald	B
004260	Godlove	Arnold	L	015353	Singh	Hardip	
011249	Graban	Gaillard	M	016105	Smiley	Thomas	N
013902	Hahn	Gordon	P	012921	Spilinek	Michael	D
015512	Hanson	Daniel	L	014428	Springer	David	C
014543	Hasty	David	L	016062	Steen	Terry	A
012606	Hatfield	Michael	W	013423	Steijlen	Paul	R
015651	Heikkila	Michael	A	012869	Talbot	Michael	G
015088	Hoffman	Gary	L	015578	Taras	Curt	M
012670	Hoffman	Herbert	L	015050	Taube	James	E
015374	Ismaily	Naeem	R	012574	Taylor	Gregory	W
015874	Janssen	Robert	J	015881	Tercek	Mark	R
013545	Jennings	Andrew	T	014197	Thompson	Roger	E
005371	Jones	Robert	M	015694	Tsangarinos	Stergos	J
013166	Koenig	Raymond	A	015469	Walsh	John	E
013140	Komosinski	Robert	J	009716	Whitlock	Dwight	A
012065	Konstantellos	Christ		011577	Yazdani	Alexander	F
014757	Koontz	Thomas	J	014810	Youngblade	Allen	H
012201	Lemley	Charles	A	008734	Zunich	Michael	R
014996	Lombardi	Richard	J				

Lapsed Retired PE Licenses – the following individuals did not respond to the 2005 Retired renewal; therefore their retired licenses lapsed as of September 30, 2005.

WV PE #	LAST NAME	FIRST NAME	MI	WV PE #	LAST NAME	FIRST NAME	MI
001960	Bell	Harry	F	006591	Herndon	Jerry	R
009668	Bondor	James	N	006258	Imhoff	Bernard	E
005859	Ewbank	Rodger	M	013963	Karjala	Dale	C
005077	Gibson	Harry	G	004498	Leedy	Robert	J
005078	Glover	James	R	013925	Payette	Kathleen	H
009857	Gross	Frank	V	006449	Sanford	James	L
001096	Hall	William	D	008068	Verma	Surendra	K

Status Explanation

Lapsed COAs – the following companies did not respond to the 2005 COA renewal; therefore their Certificates of Authorization lapsed as of September 30, 2005.

WV COA #	COMPANY NAME	WV COA #	COMPANY NAME
C01381	Alcon Planning & Consulting	C01833	Levy Engineering Consultants
C02132	ARC Environmental, Inc.	C01554	Magtech Services, Inc.
C01547	Atlantic Framing Design, Inc.	C01993	Michael Zunich & Associates
C01496	BLM Engineers, Inc.	C00378	National Engineering & Contracting
C01542	Brandes & Cassagnol Engineers, PC	C01518	Nel-Struct, LLC
C02321	Carew Associates, Inc.	C02138	Olver Incorporated
C01654	Carnegie Engineering Co.	C00703	Rodgers Consulting, Inc.
C00888	Chris L. Hope PE Engineering Services	C01742	Scott Gordon - ISO 14001 Services
C01898	Downard Hydraulics, Inc.	C01410	Specialty Piping Corporation
C02042	Hanson Engineering, P.C.	C01499	Springer Engineering, Inc.
C01375	Integrated Engineering Consultants	C00622	STS Consultants, Ltd.
C02228	John E. Harms, Jr. & Associates, Inc.	C01697	Talbot & Associates Consulting Engineers, Inc.
C00551	Keller Engineers, Inc.	C02050	Wetherill Engineering, Inc.
C01803	KLS Engineering	C02146	Wheeler, Jackson & Ferrell, Inc.
C00581	Kvaerner U.S. Inc.		

Suspended PE License – the following individuals failed to respond or submit acceptable PDH documentation for the required continuing education audit; therefore their licenses were suspended in November 2005.

WV PE #	LAST NAME	FIRST NAME	MI	WV PE #	LAST NAME	FIRST NAME	MI
006363	Biller	Cleveland	J	015276	Kownurko	Robert	F
010963	Brennan	William	J	007271	Roxby	Richard	V
007113	Chryst	David	L	015575	Smolen	John	
011723	Cuddy	Michael	J	003883	Uray	Charles	
013789	Dawson	Kenneth	W				

Revoked COA License – the following companies Certificates of Authorization were revoked for failure to name an Active WV PE in responsible charge as required by WV Code. Revocations were effective immediately following the grace period ending on September 30, 2005.

WV COA #	COMPANY NAME	WV COA #	COMPANY NAME
C02264	Applied Water Management, Inc.	C01478	Hurd & Obenchain, Inc.
C01188	Baran Telecom	C01872	James D. Henrie
C02007	Barr Engineering Company	C01193	JDB Engineering, Inc.
C02175	Braun Intertec Corporation	C01866	Kenneth W. Dawson, PE
C01541	Burton Braswell Middlebrooks Associates, Inc.	C02365	NGC Corporation
C01893	Chevron Energy Solutions	C01676	Robertson P & E, Inc.
C01532	CTM Associates, Inc.	C01449	S. A. Comunale Co., Inc.
C02038	Dashiehl Corporation	C00915	Teeter Engineering Group, PA
C01813	G. J. Hopkins, Inc.	C00522	The Structures Group, Inc.
C01399	GBC Design, Inc.	C01661	Ventura Engineering, Inc.
		C02067	Versar, Inc.

Note: Individuals or companies listed above may have already begun or completed the reinstatement process to bring a lapsed, inactive or suspended license into good standing. Again, visit our website for details or contact the Board office for the most current information or with any specific questions.

Active

An individual's Professional Engineering (PE) license, or a firm's Certificate of Authorization, is said to be Active when first approved and remains in good standing after each annual renewal.

Inactive

An individual's PE license, or a firm's COA, can be placed on Inactive status by request. Such requests are granted after the PE or Engineer In Charge of the COA affirms that they are not practicing or offering to provide engineering services for projects within the state and understand that to do so in the future, they must be properly reinstated.

Retired

A PE who has retired from practicing engineering may apply for the status of Professional Engineer-Retired upon payment of a reduced renewal fee. To elect this option, the PE must certify that they are no longer practicing or offering to provide engineering services for remuneration and understand that to do so in the future, they must be properly reinstated.

Lapsed

An individual's PE license, or a firm's COA, may lapse for non-responsiveness to the annual renewal and non-payment of renewal fees.

Revocation / Suspension

An individual's PE license may be revoked or suspended by the Board for non-compliance with the annual audit or as part of a disciplinary action. A firm's COA may be revoked or suspended due to disciplinary action or non-compliance with COA requirements, such as their Engineer In Charge not maintaining an active WV PE license. When such action occurs, the Board will typically notify the firm and/or registrant by certified mail.

List of Approved Calculators Issued For 2006 Exam Administrations

NCEES policy prohibits any device that communicates or that may compromise the security of the examination. Of concern is the ability to type in text, store it in memory, and then communicate via wireless or cable connections to another calculator, personal computer, printer or other electronic device.

Only models of calculators approved by NCEES are permitted in the exam room. *No other models of calculators or variations of the models listed below are permitted in the exam room.* The following are the only calculators that will be permitted in the exam room for the 2006 exam administrations.

- **Hewlett Packard:** HP9s, HP30s and HP33s
- **Casio:** FX 115 ES, FX 115 MS, and FX 115 MS Plus (Note: FX 115 ES and FX 115 MS models ending with an "-SR" designation are also allowed)
- **Texas Instruments:** TI 30XA (or TI 30Xa), TI 30X IIS, TI 30X IIB, and TI 36X Solar.

Each year, an NCEES subcommittee on calculators will review and revise the list of calculators allowed in the exam room. The Board of Directors will then release an updated list by November 15th.

At the November 2005 NCEES Board meeting, the Board of Directors recommended simplifying the list further for the 2007 exam administrations by limiting the number of approved calculators to four. The Board feels that this will make it easier for candidates and proctors to determine which calculators are acceptable. Another issue currently under discussion is the possibility of supplying candidates with calculators. While doing this would simplify the process for candidates and completely control which calculators enter the examination room, there are many factors to consider, including cost, logistics and liability. By recent Board action, the Board of Directors authorized the NCEES Executive Director to develop a business plan for this approach to determine its potential cost and feasibility.

For the most up-to-date information, please consult the NCEES website at www.ncees.org

Avoiding the Audit... What Is The Secret?

A continuously recurring question ... How can I avoid being audited? The answer is quite simple. To avoid the annual audit of your continuing education activity, one must complete the annual renewal form in its entirety, answering all questions and completing all categories of the PDH documentation, and have a little luck on your side as well.

The WV engineering law requires our agency to audit a minimum of three to five percent (3-5%) of our WV registrants. Traditionally, most of the audits are selected for failure to provide the necessary professional development hours or required details regarding the continuing education activity claimed. In carrying out the charge of our agency, staff is required to review each and every renewal submission. It is crucial for the registrants to take the time to legibly and completely fill out the form, provide the dates of the training, the continuing education activity and sponsor, the location where the training was held, the subject matter covered, the presenter and the number of PDHs claimed. Remember that the renewal period is from July 1st to June 30th. Your PDHs must fall in this timeframe. If for some reason you were late the previous year and had to obtain additional hours outside this timeframe, do not claim them for both years, as this would certainly trigger an audit.

With a minimum of fifteen (15) professional development hours per year required to maintain an active license, plan ahead and be sure of your math. Whether renewing online or by mail, your personal carryover hours from the prior renewal season are provided for your convenience to avoid your need to dig deep into old files. You are encouraged to double check the carryover hours to ensure your number matches our records. If it does not, call us to report the discrepancy and we can provide a quick check of your last renewal submission.

While most of the audited individuals are selected due to incomplete forms or unacceptable claims, remaining audits are performed at random. This is where the luck comes in, as you may do everything right and still be audited. However, you can plan ahead and lessen the anxiety by maintaining adequate records and keeping them readily available. In our previous edition of **interchange**, we suggested that you keep a chronological file for your PDH documentation as it is obtained. If or when you are audited, the process will be as simple as accessing the established file folder, pulling the necessary information, copying and sending in the requested record. In 9 out of 10 cases it is that simple. The audit need is satisfied with a brief submission containing the certificate of completion or course outline for the claimed activity.

What happens if the submitted documentation fails to meet Board approval? There have been very few cases where the engineer claims PDHs that were deemed inappropriate through the audit process. In general, the continuing education should be relevant to the practice of engineering and additional guidance is provided in an accompanying article on PDH requirements in this newsletter. However, should you encounter problems meeting the initial audit requirements, our staff will work with you to keep your license active. If you have special circumstances or questions, do not hesitate to contact the Board office.

2005 Audit Summary

During the 2005 renewal season, 360 individuals were audited and required to submit supplementary documentation in support of their continuing education claims. The following is a brief overview and final results:

- 310 Audited for incomplete or inadequate information on the renewal form
- 50 Audited at random
- 10 Suspended for failure to respond or provide adequate information
- 2 Elected to go to Retired status versus being suspended
- 7 Requested Inactive status versus being suspended
- 5 Required to furnish additional information but all ultimately approved

Continuing Professional Competency Requirements & PDHs



A total of fifteen (15) professional development hours (PDHs) are required annually for West Virginia PE license renewal. If one obtains additional hours, a total of eight (8) PDHs can be carried over to the next renewal season. According to W.Va. Code, registrants are required to maintain all records of attendance and completion of PDH credit for three years for audit purposes. A minimum of three to five percent of registrants will be audited and typically include any renewals with incomplete or questionable PDH information, in addition to the random selections.

All activities for which PDH credits are claimed must be relevant to the practice of engineering and may include technical, ethical or managerial content. These activities should advance the professional or technical competence of the licensee.

Qualified educational activities may be sponsored or presented by colleges or universities, by employers, by government agencies, by nationally affiliated engineering technical or professional societies or by other organizations. **The Board does not pre-approve courses or continuing education providers.** It is the engineer's responsibility to assure that the activities in which you participate meet the requirements.

Correspondence, video, audio or online courses must require the participant to show evidence of achievement and completion and/or a final graded test.

Educational activities to meet West Virginia's continuing professional competency

requirements can be earned in any jurisdiction, territory or country.

Exactly what type of activity can justify professional development?

Typical activities that will qualify are:

- Completing or attending qualifying courses, seminars, instruction, in-house programs or training
- Attending technical or professional society meetings when an engineering topic is presented as a principal part of the program
- Teaching a course for the first time or if substantial time has been spent in updating material previously taught
- Attending satellite video courses where attendance is verified and program material meets the requirements
- Computer language courses or software instructional courses that relate to the improvement of one's business or profession
- Authoring published papers, articles or books on engineering related topics

Typical activities that will not qualify are:

- Regular employment
- Real estate licensing courses
- Personal, estate or financial planning
- Self study or self improvement courses
- Service club meetings or activities
- Equipment demonstrations or trade shows
- Topics not relevant to engineering
- Enrollment without attendance at courses, seminars, etc.
- Membership on boards or committees
- Credit for courses taken prior to licensure
- Repetitive teaching of the same course without updating the course material
- Attending committee and business meetings of any organization
- Conversational language courses for personal use

With no pre-approval process, the WV Board will have final authority with respect to approval of credits when reviewing annual renewal submissions. Should one be

audited, it will be the responsibility of the engineer to produce records and defend the claimed credit used for professional development activities.

Please visit our website to review the current Laws, Rules and Regulations which provide additional guidance on continuing education requirements and documentation required should one be audited. Should you have additional questions, please do not hesitate to contact our office.

Congratulations to Our Successful 2005 PE Examinees

The following is a list of examinees that successfully passed the Principles and Practice of Engineering Exam in April and October 2005. The WV PE Board salutes these individuals on their accomplishments to date and wishes them grand success in their professional careers.

APRIL 2005

Andrew E. Adkins	Brian M. Kucish
Dirar M. Ahmad	William A. Kump
Shahzad S. Ahmed	Teresa F. Mayle
Adrian J. Bernatowicz	Marsha K. Mays
Michael S. Bishoff	Daniel A. Metheny
Jonathan W. Carney	Roderic E. Moore
Brian P. Davis	Heidi M. Potocnik
George G. Estridge	Matthew J. Pyle
Matthew W. Fluharty	Leslie W. Sears
Adam D. Freed	Cary A. Smith
Bryce D. Good	David J. Smith
David M. Hagley, Jr.	Kenneth L. Smith
Victor K. Hainer	Jeffrey S. Stanislawczyk
Brian R. Hopkins	Andrew J. Tuel
Maria M. Howard	Gerald Varney
Suresh R. Kikkeri	Robert E. Weiford II

OCTOBER 2005

Brian K. Blevins	Stephen B. Martin
Randall B. Bosley	Jonathan R. Morgan
Thomas J. Bullman	Jason W. Nelson
Bradley H. Casdorff	Brian L. Noftsier
Jerry C. Casto	Stephanie J. Pratt
Robert H. Coit	Phillip W. Reed
James C. Collins	Justin M. Robinson
Jacob S. D'Angelo	Benjamin D. Shaffer
Stephen E. Graves	Bradford L. Smith
Wendy A. Harper	Anna M. Vanderlaan
Adam W. Kays	Shannon S. Walker
Jaime M. Lewis	Jason C. Workman

Online Renewal

Another Great Year!

The second online renewal season was received with open arms by our WV PEs and COA holders alike. Nearly half of all PE and COA renewals were processed via the internet. With the simple click of a button (or two or three), one logged on our website and renewed licenses within a matter of minutes by using a major credit card.

Once again, overwhelmingly positive feedback was received from those using the online service. Staff continued to be commended for their rapid response to inquiries regarding PDH entry and credit card transactions, as well as immediate return of their new PE wallet cards and COA certificates.

Since all engineers like to see the numbers, below is a summary of submissions for the 2005 online renewal processing:

PE = 2,600 / COA = 526 / Retired PEs = 64
Total Online Transactions = 3,190
Total Rejections = less than 2%
(due to incomplete submission or typo causing credit card processing error)
Total Deposits exceeded \$179,000

Such online e-commerce and e-government activities not only improve services for the engineering community, but benefit the state agency as well. These benefits include, but are not limited to the following:

- Improved cash management
- Reduced collection risks
- Enhanced operational efficiencies
- Less paper processing
- Better customer service
- 24-hour accessibility
- Faster return on state funds

Once again, the WV Board would like to formally thank the West Virginia State Treasurer's Office for their outstanding service in making this endeavor, as well as our lockbox program for paper payment processing, a grand success!

On the Move? Update Online!



It is the responsibility of the licensee or certificate holder to notify the Board of any relevant change in information previously submitted. These include change in name, change of address or phone numbers, change of employer, or change of PE in responsible charge for a firm. This information should be provided within 30 days of the change to ensure proper delivery of licensure correspondence and uninterrupted Board service. Such information can be submitted via e-mail to wvpebd@wvnet.edu or using our online Change of Address form found at www.wvpebd.org.

Calendar of Events - 2006

January	23	PE Application Deadline for April 2006 PE Exam
	31	Board Meeting and University Visit, WVU, Morgantown, WV
February	21	FE Application Deadline for April 2006 FE Exam
	19-25	National Engineers E-Week – various activities and speaking engagements
March	20	Board Meeting, WV PE Board Office, Charleston, WV
	22-23	WV EXPO and continuing education seminars, Charleston Civic Center, Charleston, WV
April	21	PE Exam, Charleston, WV
	22	FE Exam, Morgantown and Charleston, WV
May	8	Board Meeting, WV PE Board Office, Charleston, WV
	18-20	NCEES Northeast Zone Meeting, Charleston, WV (hosted by WV Board)
July	28	PE Application Deadline for October 2006 PE Exam
	31	Board Meeting, WV PE Board Office, Charleston, WV
August	30	FE Application Deadline for October 2006 FE Exam
September	12-16	2006 NCEES Annual Meeting, Anchorage, AK
	25	Board Meeting, WV PE Board Office, Charleston, WV
October	27	PE Exam, Charleston, WV
	28	FE Exam, Morgantown and Charleston, WV
November	14	Board Meeting and University Visit, WVUIT, Montgomery, WV



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for Professional Engineers**

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