

# interchange

Informing Professional Engineers of developments that influence their honored profession



## Board Members

**Leonard J. Timms, Jr., PE**  
Board President  
Bridgeport

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

**Bhajan S. Saluja, PE**  
Board Secretary  
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**Richard E. Plymale, Jr., PE, PS**  
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## Engineer's Creed

*"As a professional engineer, I dedicate my professional knowledge and skill to the advancement and betterment of human welfare. I pledge to give the utmost of performance, to participate in none but honest enterprise, to live and work according to the laws of man and the highest standards of professional conduct, to place service before profit, honor and understanding of the profession before personal advantage, and the public welfare above all considerations. In humility and with need for divine guidance, I make this pledge."*

Adopted by the National Society of Professional Engineers, June 1954



# Message from the Executive Director

Lesley L. Rosier-Tabor, PE

As National Engineers Week 2005 draws to a close, I put pen to paper to reflect on

this great profession of which we are all a part. During the last few weeks, I have met with engineering students, middle school and high school hopefuls, industry professionals, leaders of many of our beloved societies and organizations, legislators, public officials, university officials, and the list goes on. With each new encounter, I am impressed by the high standards and lofty values these individuals exude, whether just beginning their careers or those with decades of experience. With every presentation and every handshake, I am constantly reminded of my role as a Professional Engineer (not to mention the inherent responsibility that comes with serving as a representative of the Board), to protect the health, safety and welfare of the public. Please consider this message as partial fulfillment of my responsibility to serve and protect by increasing the awareness of the professional and ethical obligations and responsibilities entrusted to us, the individuals who practice engineering.

*Merriam-Webster's outlines the definitions for the term "ethics" as a set of principles of right conduct, a theory or a system of moral values, and rules or standards governing the conduct of a person or the conduct of the members of a profession.*

It is important for all practicing engineers, engineering interns and students alike to study and understand both technical and ethical responsibilities of the engineer. While the West Virginia PE Board does not currently require ethics programs as a component of the annual continuing education courses reported on your annual renewal, many states do. If one chooses to take part in such professional development, it will most certainly be considered by the Board as an acceptable means to obtain the required hours. There are opportunities for training on ethics and professionalism available throughout the country and on many of our college campuses to assist engineers with the less than technical arena that they might be unfamiliar with.

Have you ever struggled with an ethical dilemma? Perhaps it involved legal questions, safety issues, budgeting decisions, marketing initiatives, cultural or gender issues, personal relationships, trust or a combination of these. If your answer to the initial question is "Yes," then what did you do? If you answer "No," then what would you do? These are difficult issues and if you find yourself struggling with one or more of these dilemmas, consult your supervisor(s) or leaders in your organization. These individuals are likely the people you look up to and can usually provide guidance to help employees handle "gray areas" where it is difficult to differentiate between right and wrong.

Some fundamental questions to ask yourself as you begin to sort out the complexities of your particular situation are noted below and adapted from ASCE's Ethics Standards of Professional Conduct (2000):

- (1) Is it consistent with your employer's policies and procedures?
- (2) Is it acceptable under applicable state and federal laws and regulations?
- (3) Does it conform to the values and principles established by the profession?
- (4) Does it satisfy your own personal definition of right, good and fair?

Another practical approach that is highly recognized in the field of ethics studies is a series of tests that one should answer when deliberating an action. These tests were outlined by Michael Davis, author of *Developing and Using Cases to Teach Practical Ethics*, Teaching Philosophy (1997). They are as follows:

- ✓ **Harm test:** Do the benefits outweigh the harms, short term and long term?
- ✓ **Reversibility test:** Would I think this choice was good if I traded places?
- ✓ **Colleague test:** What would professional colleagues say?
- ✓ **Legality test:** Would this choice violate a law or a policy of my employer?
- ✓ **Publicity test:** How would this choice look on the front page of a newspaper?
- ✓ **Common practice test:** What if everyone behaved in this way?
- ✓ **Wise relative test:** What would my wise old aunt or uncle do?

In closing, you never know when and where you will find yourself in a situation that requires you to do a little "soul searching." My personal philosophy remains one that I affectionately refer to as the "gut test"...that is,

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*"If something does not feel right... it probably isn't!"*

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When preparing for a recent ethics lecture to the Senior Engineering Seminar class at WVU Institute of Technology, I was reminded of two quotes that sum up this message:

*"No man can always be right. So the struggle is to do one's best to keep the brain and conscience clear; never to be swayed by unworthy motives or inconsequential reasons, but to strive to unearth the basic factors involved... and then do one's duty."*

— Dwight D. Eisenhower

*"Values are like fingerprints. Nobody's are the same, but you leave 'em all over everything you do."*

— Elvis Presley

## Board Staff

**Lesley Rosier-Tabor, PE**  
Executive Director

**Don Johnson, PE**  
Board Investigator

**Charlotte Keller**  
Administrative Assistant

**Vicki Rose**  
Administrative Assistant

**Tara Wade**  
Administrative Assistant

# Board Updates

Since the Spring 2004 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, 2005

**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

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

The WV Board is a five-member Board therefore we currently have one vacancy for the term expiring June 30, 2008. The vacancy is anticipated to be appointed by the new gubernatorial administration in 2005.

## Board Members Complete Appointments

On behalf of the West Virginia State Board of Registration for Professional Engineers, we would like to recognize Mr. Robert L. Wolfe, PE, and Mr. Frank L. Gaddy, PE, for their outstanding service and dedication to the Board and the people of the state of West Virginia.

While serving on the WV Board, Mr. Wolfe and Mr. Gaddy were faithful attendees of not only all of our state board activities, but Northeast Zone and National NCEES meetings as well.

Mr. Wolfe was originally appointed to the Board by Governor Cecil Underwood in

1997. Mr. Wolfe served seven years as a Board member, completing a full five-year term and continuing to serve until his successor was named by Governor Bob Wise in June 2004. As we thank Bob for his service, we wish him the very best with his future endeavors.

Mr. Gaddy was originally appointed by Governor Arch Moore in 1982. Mr. Gaddy served twenty-two years as a Board member, the majority of which he served as Board President, leading the WV Board into the new century. We honor Frank for his outstanding longevity of



Robert L. Wolfe, PE



Frank L. Gaddy, PE

service and direct your attention to the following page where Mr. Gaddy's lengthy list of contributions to the Board are detailed.

## WV Board Welcomes Newest Member

Richard E. Plymale, Jr., PE, PS, of Charleston, WV, was appointed to the West Virginia State Board of Registration for Professional Engineers on July 9, 2004. This appointment was made by Governor Bob Wise and confirmed by the WV Senate on November 16, 2004, during a special legislative session. His appointment fills the vacancy of a term slated to end June 30, 2007.

Mr. Plymale earned a Bachelor of Science degree in Civil Engineering in 1984 from West Virginia Institute of Technology. He later received his Master of Business Administration degree from West Virginia Graduate College in 1994. Mr. Plymale

began his engineering career with the NC Department of Transportation before he returned to WV in 1986 as an Engineer in Training for the WV Department of Transportation. During his career, he has also been an employee of National Installation Services Co. as a Project Engineer and most recently as Senior Vice President and Chief Engineer for the Appalachian Region with SITE-Blauvelt Engineers, Inc. In February 2004, Mr. Plymale established the firm of RPM Engineers, PLLC, which is located in downtown Charleston.

Mr. Plymale is a member of several professional organizations including

ASCE, ACEC and CAWV. When not working, Mr. Plymale enjoys golf and spending time with his family. Mr. Plymale, his wife Angie, and two children reside in Charleston. Welcome aboard, Rick!



Richard E. Plymale, Jr.



### **Frank L. Gaddy, PE**

With over 22 years of service to the Board, Mr. Frank L. Gaddy, PE, has completed his presidency and fulfilled yet another term on November 16, 2004. He has served on the West Virginia Board since 1982, with only a one year hiatus during his tenure. While on the Board, Mr. Gaddy has held various local and national leadership positions as he participated in NCEES and other professional organizations and promoted licensure on behalf of the Board.

Mr. Gaddy was originally appointed to the Board by Governor Moore in 1982, and then subsequently reappointed with each administration. Mr. Gaddy has dedicated a tremendous amount of time to fulfilling the entrusted responsibilities of the Board in protecting the health, safety and welfare of the public. Mr. Gaddy has represented the Board as an observer during several Accreditation Board for Engineering and Technology (ABET) visits to WV universities and colleges. He has also served as a proctor on countless occasions for the PE and FE examination administrations. Mr. Gaddy is well known and well respected by members of the WV Legislature as he has testified before several WV House and Senate committees and has been instrumental to the successful passage of Statutes, Rules and Regulations revisions throughout the years. Frank has also participated in countless forums and seminar presentations throughout

## Farewell to a Legacy

the state, speaking on the engineering profession and the value and importance of licensure.

As a mining engineer, Mr. Gaddy has enjoyed a very rewarding career and was the owner and founder of Gaddy Engineering in Huntington, WV. Not only has Mr. Gaddy been recognized on several occasions for his expertise in the mining engineering arena, he has received various local and national

a committee meeting, a WV Board meeting a university visit, a Northeast Zone meeting, or a National NCEES event. Whether the travel was as far south as Hawaii or as far north as Alaska, as far west as LaJolla or as far east as Baltimore...whether the Board met in Charleston, Morgantown or Montgomery, Frank did not miss a meeting, representing the Board as President for most of his appointed terms.



(L to R) Leonard J. Timms, Jr. & Frank Gaddy

recognition for his tireless efforts in the licensure arena. Among the recognitions, Mr. Gaddy is most proud of the National Distinguished Service Award from the National Council of Examiners for Engineering and Surveying presented in 1998 at the NCEES Annual Meeting. Most recently, Frank was named the recipient of the 2004 NCEES Northeast Zone Service Award and was presented with the award in April 2004 in Portland, Maine.

By virtue of his involvement with the Board, Mr. Gaddy has been appointed by the NCEES Board of Directors to serve on various national committees over the last 20 years, including the Advisory Committee on Council Activities, the Committee on International Activities, the Committee on Nominations, the Committee on Awards, the Committee on Uniform Procedures and Legislative Guidelines. Even at age 82, Mr. Gaddy was among an elite few who never failed to attend

*Whether the travel was as far south as Hawaii or as far north as Alaska, as far west as LaJolla or as far east as Baltimore...Frank did not miss a meeting, representing the Board as President for most of his appointed terms.*

With the recent outcome of the Senate confirmations on Board appointments, the WV Board honored Mr. Gaddy for his many years of dedicated service by hosting a surprise luncheon. Mr. Gaddy and his wife, Marjory, were joined by 16 guests including current and former staff, current and former Board members, former Board counsel, friends and colleagues. During the luncheon, Mr. Gaddy was presented with well wishes, a framed certificate, and a small token of appreciation commemorating his efforts. Mr. Gaddy was also informed that during its most recent Board meeting, the WV Board voted unanimously to nominate him for emeritus member status with NCEES in recognition of his outstanding contributions to the WV engineering community and the profession. This nomination will be forwarded to NCEES for consideration by the Board of Directors in 2005.

***Congratulations to Mr. Frank L. Gaddy, PE, for an outstanding job. We will miss you!***

# Initiating Board Investigations

There are basically three ways to initiate a Board investigation of an alleged infraction of West Virginia's engineering laws:

- A formal complaint sworn to, signed and notarized by the complainant.
- An informal communication to the Board from someone who is identified and willing to assist with the investigation, referred to as an "informal inquiry."
- An anonymous communication, where the Board may conduct an informal inquiry but has no contact with the person initially providing the information and keeps no record of that person.

Each of these serves a purpose, and each has its drawbacks, as is discussed more fully below. However, in whatever form allegations are made, the Board must first review the information to verify there is a possible violation of the Board's statutes and rules and that the Board has the authority to take action. Sometimes the complainant or person providing the information will be told that, while there may or may not be a problem, the activity is not within the Board's jurisdiction and the Board cannot take any action.

## Formal Complaints

In a formal complaint, the complainant is identified to the respondent (the person named in the complaint), at the time the complaint is filed. Given the human nature of not wanting to report a professional peer, this makes some people somewhat uncomfortable, but this is the best way to guarantee Board action. The complaint is assigned a number and the complaint process begins immediately, including a Board-conducted investigation of the allegations.

The Board has no discretion with regard to the filing of a formal complaint on an issue within the Board's jurisdiction. The complaint must be sent to the respondent who is then given a 30-day opportunity to respond. However, the Board does have the power to dismiss a complaint after the filing of a response, or to informally settle the complaint.

## Informal Inquiries

The main difference between providing information to the Board and filing a formal complaint is that the Board and its staff have discretion as to whether to expend staff time and other resources on investigating information received informally. In other words, the Board and its staff can choose to ignore or delay investigation of information received informally. However, the Board appreciates any and all information about alleged infractions of the state's engineering law and attempts to pursue all leads, whether from a known or anonymous source.

An informal inquiry is an investigation conducted by Board staff for which no complaint has been filed. When the source of the information is known, the investigation is often conducted with communications back and forth with the person initially providing information to the Board. (The Board considers these communications to be privileged and not subject to the Freedom of Information Act, so the person assisting with the investigation does not necessarily become known even when the inquiry turns into a formal complaint.) The findings are presented to the Board during an executive session and, if the Board determines that probable cause exists, a formal complaint is issued by the Board. The Board meets every two months, making this a more time-consuming process.

While providing anonymous information is the most comfortable for the practicing professional or other individual, it is also the most difficult for the Board and its staff. Many times additional information is needed to verify that a possible infraction has occurred. Because the person providing the information is anonymous and the investigation cannot proceed without more information, many times the person may think the Board or its staff is not doing its job, when in reality more information was needed. Unless a threat to safety and health exists, anonymous complaints are given lower priority.

Regardless of the method chosen, remember it is your responsibility to report infractions (see related article,

## Duty to Report Alleged Infractions.)

Each complaint received should include as much factual evidence as possible, including copies of plans, pictures, documents, names, addresses and phone numbers of all relevant parties. Documents received will not be returned and may become subject to public record. For more information please review the WV Laws, Rules and Regulations and visit the Enforcement page of our website at [www.wvpebd.org/enforcement.htm](http://www.wvpebd.org/enforcement.htm). For specific answers to your questions do not hesitate to contact our Board Investigator, Mr. Don Johnson, PE.

## 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 was mailed out to over 12,000 active WV PEs, companies, retired engineers, engineer interns, and current applicants entitled WV Laws, Rules and Regulations. 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. 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 booklet.
2. Visit our website to view or download the booklet from [www.wvpebd.org/laws\\_rules\\_regs1.htm](http://www.wvpebd.org/laws_rules_regs1.htm)
3. Visit the Secretary of State's website at [www.wvsos.com](http://www.wvsos.com) to review State Codes governing all professions.

## Duty to Report Alleged Infractions

There was a change in the renewal form last year that we hope you noticed. A sentence was added stating that by signing this document “I hereby certify that I have read and understand the Laws, Rules and Regulations of the WV Board of Registration for Professional Engineers.”

This statement was added as a primary reminder to all licensees of your duty to familiarize yourself with the WV Laws, Rules and Regulations, including your professional and ethical responsibilities, if you have not already done so. It remains the responsibility of the PE to review and understand all revisions of the WV Code as long as they remain an active PE practicing, or even offering to provide, engineering services in our state.

One such responsibility is your professional duty to report alleged infractions of the Laws, Rules and Regulations. The relevant rule [§7-1-12.3(h)] states that it is the responsibility of the registrant to report infractions and assist in their resolution. Furthermore, the WV Code [§30-13-20(a)] states that a registrant can be disciplined for aiding another person in violation of the rules.

The Board does not want to appear “heavy handed,” but it is our primary duty to protect the health, safety and welfare of the public. An important part of being a professional is helping to uphold high standards and protect the integrity of the profession.

***If we don't protect the profession, who will?***

## Board Disciplinary Actions

Below is a summary of formal complaints that resulted in disciplinary action during FY 2003-04. 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 Board has not held a formal hearing in the past two years. All of the cases below were informally settled, resulting in a consent agreement. These 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 Freedom of Information Act.

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:** C2003-1A **Barge, Wagonner, Sumner & Cannon, C 2148, Nashville, TN**  
**VIOLATION:** Practicing engineering in West Virginia without a Certificate of Authorization [W. Va. Code §30-13-17(a)].  
**RESOLUTION:** Civil penalty of \$2000, \$500 administrative costs and COA held in abeyance for one month. Case closed 12/12/03.

**CASE NUMBER:** C2003-1B **Anthony B. Mancini, PE 15850, Franklin, TN**  
**VIOLATION:** Practicing engineering in West Virginia without a license [§30-13-2 & 3(e)].  
**RESOLUTION:** Civil penalty of \$500, and license held in abeyance for one month. Case closed 12/12/03.

**CASE NUMBER:** C2003-2 **P. Michael Green, PE 7621, Philippi, WV**  
**VIOLATION:** Improper use of engineering seal (sealed a surveying document with an engineering seal) [§30-13-16(c)].  
**RESOLUTION:** Civil penalty of \$1000. Case closed 11/17/03.

**CASE NUMBER:** C2003-3 **ICI - IN Controls, unlicensed, Hurricane, WV**  
**VIOLATION:** Practicing engineering in West Virginia without a license or a Certificate of Authorization [§30-13-3(e) & 17(a)].  
**RESOLUTION:** Respondent agreed to stop advertising/offering engineering in West Virginia. Case closed 12/2/03.

**CASE NUMBER:** C2004-1 **Sean G. Simon, AIA, unlicensed, Moorefield, WV**  
**VIOLATIONS:** Threatening public safety, health and welfare [§30-13-2].  
 Practicing engineering in West Virginia without a license [§30-13-3(e)].  
**RESOLUTION:** Civil penalties of \$1500 and \$500 respectively plus administrative costs of \$2600. Case closed with on-going monitoring.

**CASE NUMBER:** C2004-3 **Stephen D. Faulkner, unlicensed, Maxwelton, WV**  
**VIOLATION:** Practicing engineering in West Virginia without a license [§30-13-2 & 3(e)].  
**RESOLUTION:** Civil penalty of \$250. Case closed 9/22/04.

**CASE NUMBER:** C2004-5 **Criss Haynes, PE 7844, Lewisburg, WV**  
**VIOLATION:** Practicing engineering in West Virginia on an expired license [§30-13-21(a)(9)].  
**RESOLUTION:** Civil penalty of \$1000. Case closed 9/27/04.

**CASE NUMBER:** C2005-2 **Herron Engineering\*, Pittsburgh, PA**  
**VIOLATION:** Practicing engineering in West Virginia without a Certificate of Authorization [§30-13-17(a)].  
**RESOLUTION:** Civil penalty of \$1000. Case closed 2/15/05.

**CASE NUMBER:** C2005-3 **Dennis Gray, PE 12717 \*, Pittsburgh, PA**  
**VIOLATION:** Practicing engineering in West Virginia on an expired license [§30-13-21(a)(9)].  
**RESOLUTION:** Civil penalty of \$1000 plus administrative cost of \$100. Case closed 2/15/05.

\* These complaints were related and resulted in one consent agreement.

# The Professional Use of Seals Brochure Now Available

During the last year, the West Virginia State Board of Registration for Professional Engineers has focused on an important initiative. *The Professional Use of Seals* brochure, published as a joint effort with the West Virginia Board of Architects, is hot off the press and included within. The brochure was developed to fulfill a need expressed by building code officials, design and construction professionals, and the general public. This need was to improve understanding the role of the design professionals and the WV laws, rules and regulations governing the practice of engineering and architecture in West Virginia.

Information contained in the brochure is basic and not intended to be a complete, comprehensive coverage of the WV law, but rather an overview of key aspects of the WV Code governing the professions and overlapping issues that often lead to questions. A major effort has been made to identify and address the most frequently asked questions by building code officials and to provide concise answers whenever possible. Where simple answers do not suffice, this brochure provides additional sources you may contact for details. This brochure is intended to be used as a guide and any person having specific questions should address them to the appropriate Board or should seek legal counsel.

Safeguarding the public in the design and construction of buildings and public works is a shared responsibility. Building officials protect the public by enforcing building code requirements. Throughout the plan check and inspection process, building officials in cooperation with the State Fire Marshal's office ensure compliance with building codes, local codes and relevant ordinances. Building officials have the authority to reject documents as submitted and to withhold permits. Building officials rely on the State Boards to assure that the registrants and licensees are competent to practice. The Boards must depend primarily upon the local building officials and the State Fire Marshal, particularly

in municipalities with no local building code officials, to assure that only those properly licensed are allowed to provide design services.

Some of the topics included in the enclosed brochure are listed below:

1. Which type of licensee must prepare and seal plans and documents.
2. Signing and sealing requirements for architects and engineers.
3. Exemptions from the building codes.
4. Types of documents that do / do not require a signature, date and seal.
5. Limitations on licensees from signing and sealing documents.
6. Proper seals and signatures.
7. Relevant Codes for both architects and engineers.
8. "Red Flags" for plan reviewers and the general public.
9. What to do should a red flag issue become apparent?
10. Contact information for both state regulatory agencies.

The idea for the brochure began when both Boards recognized it was time to update a 1995 publication entitled "Handbook for Building Officials." This former publication was the first joint publication on behalf of the WV Engineering and Architects Boards and their primary representatives, Mr. Frank Gaddy, PE, and Mr. E. Keith Dean, AIA. The new *Seals* brochure has evolved into a key component of an ongoing outreach effort to foster a mutually beneficial relationship between our Boards, the code officials and the public. The Boards have met with municipal code officials, civic groups and industry professionals on multiple occasions to discuss the roles of the regulatory boards and the expectations that each of the groups have for the other. This handy reference brochure is anticipated to answer many of the common questions asked of our agencies.

Significant input for this brochure, as well as this article, was provided by both Boards, legal counsel and other

engineering licensing board staff throughout the country, in particular Andrew Ritter of the North Carolina Board and Kathy Hart of the Oklahoma Board. Both of these individuals had worked with their Boards to develop similar documents in an effort to address the common problems occurring in their jurisdictions. To both Andrew and Kathy, and their respective Board members, we would like to thank you for your assistance in providing us a great start to what we anticipate will be a key document in assisting the WV Boards to protect the health, safety and welfare of our citizens for years to come.

The brochure can be found in the centerfold of this newsletter and is currently being mailed to all licensed engineers, architects, contractors, engineering and architecture firms, cities, counties, municipalities, public works directors and building code officials involved in such work in WV. If you would like additional copies of the brochure, you may e-mail [RosierL@wvnet.edu](mailto:RosierL@wvnet.edu). The brochure will also be available for free download on our website at [www.wvpebd.org](http://www.wvpebd.org) in Adobe PDF format.



# 2004 WV Renewal Status Report and Audit Outcome

The following is a numerical status report summary of all responses received from registered individuals and firms as of December 2004 (both new as well as renewals). The results of the annual renewal processes, as well as the outcome of the subsequent continuing education audit, are also included.

- » Active PEs - 5892
- » PE Inactive Requests Processed during renewal season - 241
- » Retired PEs - 280
- » COA Inactive Requests Processed during renewal season - 66
- » Active COAs - 1567
- » Lapsed PE Licenses - 109
- » Audited PE renewals - 289
- » Lapsed Retired PE Licenses - 9
- » Acceptable PE Audit Responses - 266
- » Lapsed COAs - 46
- » Suspended PE Licenses due to Audit - 23

To view or download a complete roster of the Active PE licenses, Company 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 company is authorized to practice or even offer to provide engineering services in WV. The posted licenses and COAs are valid through June 30, 2005. However, users should be cautioned that the current search mechanism is only updated every 30-60 days. All submitted address changes, 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 License** – the following individuals did not respond to the 2004 renewal and therefore their licenses lapsed as of September 30, 2004.

WV PE #	LAST NAME	FIRST NAME	MI	WV PE #	LAST NAME	FIRST NAME	MI
14932	Alsado	Hisham		15405	Khatib	Ibrahim	K
13121	Amrikani	Khalil	A	14908	Klute	Bradley	M
08828	Bacik	Dale	A	10167	Leighton	Charles	W
12038	Barnes	Jose	U	05827	Loy	Leroy	D
15319	Barnett	Richard	D	08700	Luman	Philip	J
12211	Baum	Alton	W	15490	Mann	M. Duane	
14077	Baylor	Harry	W	14833	Marks	Belve	D
04621	Bays	Neil	E	13202	Marsh	Leo	E
13076	Bird	David	W	14360	Marshall	Sean	R
14762	Blaylock	Gregory	A	14741	Mckay	Hugh	G
13248	Broberg	Frederick	N	14257	Mckenzie	David	L
11490	Brown	George	M	09962	Meador	Stephen	W
06641	Campbell	Robert	L	12630	Miller	Thomas	A
15265	Carl	Patrick	D	14291	Moore	Garold	L
10658	Carter	George	R	04459	Moore	Robert	L
14473	Cassagnol	Richard	P	15093	Murnen	Brian	T
15644	Cassara	David	R	15307	Ortlieb	Michael	C
09671	Cavallario	Anthony	J	15205	Osborne	David	
15602	Cervellione	Maurizio		10014	Overton	Wallace	L
15455	Chadsey	Frederick	N	12000	Panzer	Michael	A
14220	Christian	Charles	J	11460	Patel	Maganlal	P
09107	Collier	Kenneth	L	14118	Pham	Sy Ngoc	
06576	Corso	Lewis	D	13680	Powell	David	H
12803	Cotton	David	L	11836	Qiu	Xiujin	
15240	Cross	Thomas	F	09217	Randolph	Theodore	F
08572	Czarnowski	David	S	13931	Roescher	Waldo	F
15584	Darr	Charles	B	10590	Schepke	Thomas	W
14200	Day	David	R	04976	Schneider	Joseph	
13778	Declue	Dale	R	10876	Schon	M. Michael	
14897	Deicas	Carl	V	06029	Schwartz	Edward	S
10305	Durington	David	A	13465	Seaman	David	R
14985	Duvall	Verle	G	12521	Sesack	Stephen	
08082	Elliotte	Creed	T	15397	Shahi	Shiv	S
14068	Elrod	Maynard	L	15123	Shanklin	Donnie	W
15293	Emerson	Bruce	R	11253	Shiflett	Ronald	B
07489	Fahnestock	Melvin	R	13455	Smith	Anthony	W
15586	Farabaugh	Timothy	V	07210	Snodgrass	Barry	L
09324	Ferguson	David	D	13585	St. Raymond	Andre	P
12814	Ferris	William	R	15049	Stager	Todd	N
10280	Fuglaar	James	T	13840	Staggs	Billy	R
12060	Gaynor	James	E	12473	Teeter	William	L
09325	Glass	John	P	10595	Togni	Carl	S
11934	Goughnour	Steven	D	13695	Tomlinson	John	A
08902	Govier	Gregory	G	11911	Topovski	Stephen	P
13664	Harris	William	S	13117	Trent	Jon	K
14097	Harvey	Joseph	P	15103	Tschantz	David	P
10939	Henderson	Tony	R	08429	Valenti	Jerome	W
14793	Hensley	Quenton	V	15227	Vandergriff	John	A
13125	Heyer	Jim	M	15212	Watsic	Karen	M
14102	Hoff	Luke	O	11773	Wetherill	Edward	G
14306	Holder	Eugne	M	05404	Woodburn	William	F
13480	Holes	Richard	L	10126	Woodward	Rick	R
14252	Hollowood	David	B	15286	Wright	Michael	L
08091	Hoomani	Hank	G	12666	Zapata	Manuel	L
11791	Jensen	Steven	F				

## Tips on PDHs for Educators

**Lapsed COAs** – the following companies did not respond to the 2004 renewal and therefore their Certificates of Authorization lapsed as of September 30, 2004.

WV COA #	COMPANY NAME	WV COA #	COMPANY NAME
C01376	Adams-Mirza Engineering	C01486	Heyer Engineering, PC
C01328	American Engineering, LLC	C01165	HLM Design Usa, Inc.
C00864	American Water Works Service Co., Inc.	C01977	Itron, Inc.
C01396	Bayshore Concrete Products Corporation	C01863	J. R. Schroll, PE, PS
C02037	BEI Structural Engineers, Inc.	C01796	Kathleen H. Payette
C00077	Bowers & Associates, Ltd.	C01960	M/E Engineering, PC
C01761	Building Design Solutions	C00993	Maxim Technologies, Inc.
C02002	Computerized Engineering, Inc.	C01859	Michael L. Wright, PE
C01995	Corman Construction, Inc.	C00378	National Engineering & Contracting
C00128	D. R. Cowan & Associates	C00760	Parsons Engineering Science, Inc.
C01502	David E. Estes Engineering, Inc.	C02083	Quantum Engineering Group, Inc.
C02093	David R. Cassara Associates	C01570	SCO Engineering, LLC
C01129	Donald E. Bailey, Jr.	C02025	Secure Foundations, Inc.
C01785	Doucet & Mainka, PC	C00687	Skelly & Loy, Inc.
C01589	Earth Sciences Consultants, Inc.	C01937	Southern Ohio Fabricators, Inc.
C01958	East Resources, Inc.	C01726	Southern Structures, Inc.
C00401	Edwards & Kelcey, Inc.	C01802	Suncoast Post-Tension, Inc.
C01401	Engineering & Fire Investigations	C01823	Telesis Solutions, PC
C01249	Engineering Excellence, Inc.	C01708	The Fairfield Engineering Company
C00190	Farnham & Pfile Construction, Inc.	C00505	The Osborn Engineering Company
C01927	FWT, Inc.	C01237	Trisect Engineering & Consulting Corp.
C01985	Heideman Associates, Inc.	C01805	UEM, Inc.
C00243	Heritage Environmental Services, LLC	C00836	View Engineering, 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 as of November 16, 2004.

WV PE #	LAST NAME	FIRST NAME	MI	WV PE #	LAST NAME	FIRST NAME	MI
14533	Ajlani	Abdulilah	S.O	14699	Pauley	Jeffrey	W
12792	Annunziata	Michael		08958	Semmens	Robert	F
07418	Barrick	James	E	08661	Shen	Peter	H
15322	Courson	Robert	W	14269	Szwilski	Anthony	
11620	Cowan	Douglas	R	15126	Szymecki	Bernard	
13812	Flynn	Donald	E	08560	Tang	Man-Chung	
12305	Heffron	Ronald	E	06822	Thompson	Calvin	L
15201	Jarvis	Andrew	S	15160	Tierney	Gregory	J
09005	Li	Hosum		15102	Tobias	Eric	W
08460	Lissiak, Jr.	Victor		08169	Ward	Floyd	E
11653	Matthews	Michael	A	15231	Ziegler	David	R
09994	Nelson	Dennis	S				

Fomer registrants whose PE licenses or COAs have lapsed, those which were made inactive at the request of the PE or firm, or those suspended for failure to appropriately respond to the continuing education audit must be reinstated prior to practicing or even offering to provide engineering services in WV. To be reinstated, PEs or firms shall supply a complete reinstatement application package to the Board along with payment of appropriate reinstatement fees. For complete details, please visit our website and review the Checklist and Statement of Understanding at [www.wvpebd.org/reinstatement.htm](http://www.wvpebd.org/reinstatement.htm) for individuals or [www.wvpebd.org/companies.htm](http://www.wvpebd.org/companies.htm) for companies. All relevant fees can be found at [www.wvpebd.org/fees.htm](http://www.wvpebd.org/fees.htm).

*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.*

In an effort to further define continuing education needs for our licensees, it is important for faculty members to take special note of a recent change made to the WV Rules during the 2004 legislative session. In particular, this rule revision relates to acceptable PDHs for our licensees who are educators. The revised rule [§7-1-10.2] states, **“A registrant may earn PDHs...if teaching or instruction is outside of the registrant’s regular employment duties or if the registrant can document such teaching activity or instruction was newly developed and presented for the first time...”**

Specifically, this means that PDH credit can only be claimed for the first time an educator develops and teaches a given course. Repetitive teaching of the same class will not satisfy professional development requirements on any future renewals. While the Board does not anticipate this creating a hardship for our licensed educators, it is important that they take special note that this rule went into effect during the 2004 renewal season, and should remember this tip in preparing for the 2005 PE renewal.

Historically, faculty members far exceed annual continuing education requirements by authoring published papers, articles or books, or by presenting at seminars, workshops, or professional conventions which fall outside of their regular employment duties.

If one should have questions regarding the updated professional development requirements, do not hesitate to contact the Board office for advice.

## Home Inspectors

Over the past several months, the WV Board office has received a number of calls regarding professional engineers performing home inspections. It is important for everyone to realize that the West Virginia State Board of Registration for Professional Engineers does not regulate home inspectors or the home inspection industry. However, the Board does get involved when concerns are raised regarding actions of PEs performing home inspections or when home inspectors not licensed as professional engineers offer structural engineering services, pass engineering judgments and/or provide engineering solutions to the unsuspecting homeowners.

As a PE, one is automatically held to a higher standard than others, be it as a home inspector or any other endeavor that you chose to undertake. Most of the inquiries received by Board staff state that the person selected the home inspector because of his/her credentials and reputation, but in particular because that particular inspector was also a licensed PE. The public relies on our knowledge and technical expertise and it certainly appears they give more credence to PEs on these types of issues.

### Things to remember when performing a home inspection:

- If you advertise as an engineer, represent yourself as an engineer or sign reports as an engineer, you must sign and seal your work as such.
- If you perform an engineering analysis, provide engineering calculations or make recommendations of an engineering nature, you need to sign and seal the work.
- If you are the engineer in responsible charge for the company performing the inspection, you are ultimately responsible for the actions of the individual performing the inspection.
- Finally, while not part of the engineering laws, rules and regulations, it makes sense to protect your reputation and good name by attempting to resolve issues without having to get a third party involved.

## Audit Procedure At A Glance

Every year after the professional engineer license renewal period, which includes the 90-day grace period, ending September 30, the WV Board begins the arduous process of reviewing the continuing education content reported on each and every renewal. Of the nearly 6000 renewals submitted, an audit is required on three to five percent per §7-1-10.8 Annual Continuing Education Verification. Those selected for the audit are chosen at random and/or selected due to incomplete or questionable continuing education information documented in the PDH table on their renewal form.

Details regarding the audit and required documentation can be found in the WV Laws, Rules and Regulations. However, the following is an overview of the audit process and time frame:

- Audit letters mailed within the first week of October
- 30-day response required from those audited – response to be received from PE no later than the end of the first week in November
- Audit acceptance letters mailed to respondents immediately upon receipt, review and approval of professional development participation documentation
- Second notice of audit mailed via certified letter to non-respondents at the end of the first week in November; given seven days to respond and note forthcoming license suspension of non-respondents or those submitting unacceptable information
- Suspension letters mailed to all non-respondents, as well as those not meeting audit requirements, within the third week of November

Some professional engineers have voiced concerns that there are not enough educational opportunities offered or they want to see the WV Board pre-qualify courses. Please recognize that the West Virginia Board has elected not to pre-qualify courses or companies offering such a service in an effort to allow the PE to deem whether or not certain activities serve as valid professional development for his/her current position. Its philosophy is that WV licenses thousands of professional engineers, all with diverse backgrounds and needs, and they do not want to limit their development opportunities by limiting their selections. For additional guidance, remember to reference the Continuing Professional Competency section of the WV Laws, Rules and Regulations which was updated with legislative approval and effective July 2004.

The key to participating in a successful audit is to save your receipts and supporting documentation. **A GREAT TIP - A simple but effective method is to keep a file in the front of your desk drawer where you drop in all certificates, receipts, agendas, notes and more from any activity that should qualify as professional development. If you follow this tip and deposit such documentation immediately following each event you attended, you will not only have a complete file but it will be in chronological order!** The WV Board has final authority with respect to approval of your educational activities, but it will be the responsibility of the PE to produce the records and defend the PDHs claimed.

Who knows better than the professional engineer what constitutes continuing education? Be truly conscious of educating yourself to better serve the public and the profession and the rest will follow naturally.

# NCEES Further Limits Calculators Allowed In Examination Room

News Release (11-15-04)

At its 2004 Annual Meeting, NCEES voted to revise the examination policy concerning materials permitted in the examination room so that only models of calculators specified by NCEES are allowed.

The following models are the only calculators that will be permitted in the examination room for the April and October 2005 exam administrations:

**Hewlett Packard - HP 33s**

**Hewlett Packard - HP 9s**

**Casio - FX 115 MS and FX 115 MS Plus**

*(Note: Models with "-SR" designation at end are also allowed.)*

**Texas Instruments - TI 30X IIS and TI 30X IIB**

**Texas Instruments - TI 36X (Solar)**

NCEES policy prohibits calculators that communicate or that may compromise the security of the examination. Beginning with the April 2004 exam administration, NCEES began strictly enforcing this policy by banning calculators with text-editing and communication abilities. Of great 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. NCEES published a list of banned calculators for the April 2004 examinations as well as a list of some of the calculators that were acceptable.

NCEES is now extending the ban to all calculators not on the list to reduce confusion among candidates and proctors. As with cell phones and other electronic devices, any inappropriate calculators will be confiscated by the proctors. If an inappropriate calculator is found in an examinee's possession after the exam begins, the examinee will be dismissed from the exam room and the exam will not be scored.

In summary, available calculator technology has been used for exam subversion in recent years. Therefore, calculators that can store and communicate text are deemed a significant security risk. A breach of an examination could lead to a large financial loss and the licensure of people who are not competent to practice in the fields of engineering and surveying. It is the intention of NCEES to have a subcommittee which will review and revise the approved calculator list on a regular basis.

*For more information, please see the Calculator Policy at [www.ncees.org](http://www.ncees.org) or call NCEES at 1-864-654-6824.*

## Congratulations to Our Successful 2004 PE Examinees

The following is a list of examinees that successfully passed the Principles and Practice of Engineering Exam in April and October 2004. The WV PE Board salutes these individuals on their accomplishments to date and wishes them success in their professional careers.

### APRIL 2004

John D. Barger  
Jason M. Boyd  
Jamie L. Brown  
John D. Butler  
Brian H. Claar  
Mary N. Cleland  
Todd A. Dankmyer  
Leslie H. Davis, Jr.  
Frank F. Fabian  
Richard W. Fenton  
Darren H. Franck  
Darian Glitz  
James T. Hagedorn II  
Kelvin M. Hull  
Joseph R. Kessler  
Randall L. Lackey  
Joseph P. Lambert  
James T. Miller

Patrick M. Murphy  
Nathaniel R. Orders  
Bradley C. Pigott  
Matthew C. Powell  
Christopher G. Preston  
Michael E. Pumphrey  
Richard E. Ray  
Erik M. Saab  
Dushyant Shekhawat  
Stephen M. Simonette  
Shawn A. Smith  
Ronald L. Stanevich  
Matthew L. Sweeney  
Matthew R. Umbel  
Aaron K. Walker  
Ted J. Whitmore  
Steven H. Young  
John F. Zoller, Jr.

### OCTOBER 2004

Berlin B. Beaver  
Steven D. Boggs  
Brian J. Brown  
Charles T. Butcher  
Kenneth L. Clohan  
Robert L. Czewski  
Sarah L. Daniel  
Jerry V. Elkins  
Mark W. Estep  
Douglas R. Fala  
Anthony D. Fish  
Millie S. French  
Peter B. Fuscaldo  
Robert A. Griffith  
Dyrk S. Huffman  
Scott F. Longstreth  
Philip S. Lutz  
John D. Monk  
Brad A. Pittsnogle

Joseph G. Pugh  
Brian A. Ringwelski  
Troy H. Schell  
Walter H. Sebert  
Mohiuddin Shaik  
Eric S. Simpson  
Sidney N. Thomas  
Christopher M. West  
Anthony A. Yurko  
Henry J. Zielinski III

NCEES



The National Council of Examiners for Engineering and Surveying (NCEES) is a national non-profit organization composed of engineering and land surveying licensing boards representing all US states and territories. NCEES headquarters is located in Clemson, SC, where they develop licensing examinations for the engineering and surveying professions. These examinations are used by engineering and surveying licensing boards across the United States as part of their candidate assessment process. NCEES also provides examination scoring and administration services to licensing boards, as well as a variety of other products and services to engineering and surveying professionals. The Vision of the NCEES is to provide leadership in professional licensure of engineers and land surveyors through excellence in uniform laws, licensing standards, and professional ethics for the protection of the public health, safety and welfare, and to shape the future of professional licensure.

### The mission of the NCEES is to:

- Assist Member Boards in the promotion and promulgation of regulatory processes for engineering and land surveying which demonstrate high standards of knowledge, competence, professional development, and ethics.
- Provide services to Member Boards that promote uniform licensing procedures which emphasize quality education, examination, experience, and continuing professional competency.
- Coordinate and cooperate among domestic and international organizations to promote licensure of all engineers and land surveyors.

## Online web renewal success

The first online renewal opportunity was received with open arms by our WV PEs and COA holders alike. Nearly one-third of all renewals were processed via our debut of the inaugural online processing. With the click of a button (or two), one could log onto our website and renew their PE license and/or COA within a matter of minutes by using a major credit card.

Overwhelmingly positive feedback was received from those using the online service. Staff was routinely commended for their quick response time to questions regarding PDH entry, timely confirmation of credit card transactions and inquiries, and the expeditious return of their new wallet cards and COA certificates. All PE wallet cards and certificates of authorization are valid through June 30, 2005.

With over \$120,000 in transactions, the following is a summary of submissions for the debut of the 2004 online renewal process:

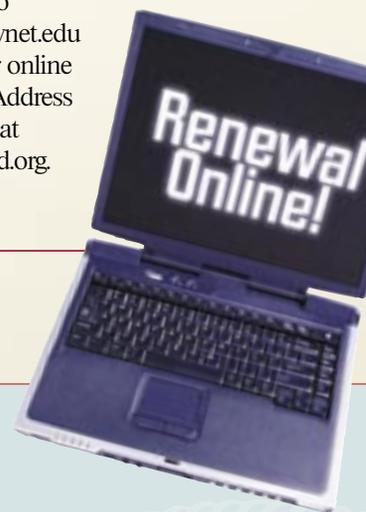
PEs	= 1815
COA	= 365
Retired PEs	= 33
<b>Total Online Transactions</b>	<b>= 2213</b>
<b>Total Rejections</b>	<b>= 67 or 3%</b> <i>(due to incomplete submission or credit card processing error)</i>

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

*Special thanks to James Doughty, Matt Ellison and Mike Buchannon for their patience and expertise. The WV Board looks forward to working with them in 2005.*

## WANTED: Address and Employment Updates

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 when the change occurs to ensure proper delivery of licensure correspondence and uninterrupted Board service. Such information can be submitted via e-mail to [wvpebd@wvnet.edu](mailto:wvpebd@wvnet.edu) or using our online Change of Address form found at [www.wvpebd.org](http://www.wvpebd.org).



## Calendar of Events - 2005

<b>January</b>	14	PE Application Deadline for October 2005 PE Exam
	31	Board Meeting and University visit, WVU, Morgantown, WV
<b>February</b>	10-13	NCEES Presidents and MBA Assembly, Kansas City, Missouri
	15	FE Application Deadline for October 2005 FE Exam
	20-26	National Engineers (E-Week) – various activities
<b>March</b>	21	Board Meeting, WV PE Board Office, Charleston, WV
	23-24	WV EXPO and continuing education seminars, Charleston Civic Center, Charleston, WV
<b>April</b>	7-9	NCEES Northeast Zone Meeting, Washington, DC
	15	PE Exam, Charleston, WV
	16	FE Exams, Morgantown and Charleston, WV
<b>May</b>	16	Board Meeting, WV PE Board Office, Charleston, WV
<b>July</b>	18	Board Meeting, WV PE Board Office, Charleston, WV
<b>August</b>	1	PE Application Deadline for April 2006 PE Exam
	24-27	2005 NCEES Annual Meeting, Memphis, TN
	31	FE Application Deadline for April 2006 PE Exam
<b>September</b>	19	Board Meeting, WV PE Board Office, Charleston, WV
<b>October</b>	28	PE Exam, Charleston, WV
	29	FE Exam, Morgantown and Charleston, WV
<b>November</b>	15	Board Meeting and University visit, WVUIT, Montgomery, WV



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