

General Session Minutes
State Board of Registration for Professional Engineers
January 25, 2018

The West Virginia State Board of Registration for Professional Engineers met at their office in Charleston on Thursday, January 25, 2018. Those present for all or part of the meeting were:

Edward L. Robinson	President
Bhajan S. Saluja	Vice-President
Garth E. Thomas	Secretary
L.A. Gates	Member
Larry Nottingham	Member
Lesley L. Rosier-Tabor	Executive Director
Aaron M. Armstrong	Board Investigator
Debra L. Hamilton	Legal Counsel

The meeting was called to order at 9:10 am.

The Board meeting minutes for November 15, 2017 were reviewed. A motion to approve the minutes was made by Mr. Saluja, seconded by Mr. Thomas. Motion carried.

The Board budget summaries for November and December 2017 were received and reviewed, and the Board reviewed all PCard transactions for the same period. Ms. Rosier also discussed revenue projections for the current COA renewal cycle which ends on January 31, 2018.

A motion to approve the budget, current expenditures, and purchasing card transactions was made by Dr. Nottingham, seconded by Mr. Gates. Motion carried.

Ms. Rosier presented the Executive Director's report and addressed all Board questions and comments:

- Ms. Rosier discussed the 3 PE applicant interviews and discussed the ongoing NCEES CBT transition and decoupling initiatives. Based upon this discussion, Mr. Thomas made a motion, seconded by Dr. Nottingham, to discontinue the PE exam applicant interview process for those multiple repeat examinees after the April 2018 testing administration. Motion carried. For the April 2018 PE exam, 64 applications received and 61 were accepted.
- The Board reviewed the recent and upcoming travel, presentations and meeting participation. Attending the upcoming NCEES NE Zone meeting will be Ms. Rosier, Mr. Armstrong, and Dr. Nottingham as the funded delegates, and Mr. Saluja and Mr. Thomas as board-approved and funded attendees.
- Ms. Rosier discussed the on-going database maintenance contract and that following the successful completion of COA renewals she intends to prepare

and submit a new change order for minor modifications to some existing database fields, as well as the necessary PE renewal system updates.

- Ms. Rosier discussed the upcoming InterChange Newsletter publication and noted that the draft for comments issue will be circulated for Board review in mid-February.

A motion was made by Mr. Saluja, seconded by Mr. Thomas, to approve attendance and travel for Board members, staff and counsel to the activities as discussed and outlined in the Executive Director's report and the updated 2018 calendar. Motion carried.

Prior to entering into Executive Session, the Board Investigator provided the details of the settlement of complaints C2017-16, C2017-17, and C2017-18. The consent orders will be posted on the Board's website within a reasonable time.

Mr. Thomas made a motion to enter into Executive Session at 9:43 am, seconded by Mr. Saluja. Motion carried.

These minutes reflect that, due to Ms. Rosier's non-involvement in anything substantive related to C2018-02, she absented herself from the Board room during all discussion of the complaint matters. Additionally, it is noted that Mr. Gates is recused from C2018-02 and Mr. Robinson is recused from C2018-07. Both left the room during the discussion of those complaints.

At the conclusion of the Executive Session, Mr. Saluja moved to enter into General Session at 12:58 pm. Seconded by Mr. Thomas, the motion carried, and the Board took the following action:

- Regarding consolidated complaints C2014-16 / C2015-10 (Supreme Court of Appeals No. 17-1115), Mr. Thomas made a motion, seconded by Mr. Gates, to grant, in part, respondent's motion for stay pending appeal. The stay is only as to the required payment of the civil penalties and administrative costs. Motion carried.
- Mr. Thomas made a motion, seconded by Mr. Saluja, to notice C2018-02 for a hearing to be held at the upcoming EXPO in Charleston, if not previously settled. Motion carried.
- Dr. Nottingham made a motion, seconded by Mr. Thomas, to file an additional complaint relating to non-compliance with the consent order in C2017-17. The Board directed staff to defer the service of said complaint until 10 days after contacting respondent regarding the non-compliance. Motion carried.
- Mr. Gates made a motion, seconded by Mr. Saluja, to notice C2018-04 for hearing during the March 2018 meeting if not settled. Motion carried.
- Mr. Thomas made a motion, seconded by Dr. Nottingham, to dismiss C2018-05. Motion carried.
- Dr. Nottingham made a motion, seconded by Mr. Gates, to dismiss C2018-08. Motion carried.
- Mr. Thomas made a motion, seconded by Dr. Nottingham, to dismiss C2018-09. Motion carried.

- Mr. Saluja made a motion, seconded by Mr. Gates, to move I2018-12 to complaint. Motion carried.
- Mr. Saluja made a motion, seconded by Mr. Thomas, to move I2018-17 to complaint. Motion carried.
- Mr. Gates made a motion, seconded by Mr. Saluja, to move I2018-18 to complaint. Motion carried.
- Mr. Gates made a motion, seconded by Dr. Nottingham, to move I2018-19 to complaint. Motion carried.
- Mr. Thomas made a motion, seconded by Dr. Nottingham, to move I2018-20 to complaint. Motion carried.
- Upon motion by Mr. Saluja, second by Mr. Gates, the Board voted to grant complainant's motion for hearing and to set C2017-11 for hearing on one issue (misuse of seal allegation) during the Board's May 2018 meeting and to dismiss without prejudice the remaining allegations. Motion carried.

There were no special case files for Board consideration during this timeframe.

The Board reviewed the NCEES Board of Directors' meeting minutes held on November 3-4, 2017.

Ms. Rosier presented the NCEES NE Zone meeting DRAFT agenda.

The Board reviewed the NSPE Licensure Under Attack presentation and similar issues of concern as they relate to the Western Governors' Association's draft license compact.

Ms. Rosier discussed NCEES's PE CBT conversion plan and highlighted that their tentative plan is for all paper-and-pencil exams to be fully converted to CBT by 2024.

The Board reviewed the Governor's Executive Orders 2-18 and 3-18 regarding regulatory rules. Mr. Thomas made a motion, seconded by Mr. Gates, to submit a request for exemption from the governor's office for filing Legislative and Procedural Rules in the near future. Motion carried. The Board directed staff and counsel to draft the request for review at the March meeting.

Ms. Rosier discussed the Board's EXPO presentation planned for March 21st.

Mr. Rosier provided a COA renewal update and informed the Board that 95 firms have currently requested to go to the non-practicing status of 'Inactive.' Additionally, she informed the Board that the firms that have yet to renew will have been contacted 18 times (via email or other correspondence) prior to administrative action at the end of the grace period where their COA status will be 'Lapsed.'

Ms. Rosier reminded the Board that their Annual Financial Disclosure Statements must be filed with the WV Ethics Commission by February 1st.

The Board discussed an invitation from WVU to attend a Biomedical Engineering ABET accreditation visit in the fall of 2018. Ms. Rosier indicated no action was necessary at this time and reminded the Board they will receive official notification from ABET in the late summer/early fall regarding sending an official observer to this new program visit, as well as any other WV ABET EAC or TAC program currently on cycle for review this fall.

The Board reviewed the upcoming calendar of events, and Ms. Rosier highlighted that the May 2018 board meeting date is May 8th, 2018 to address Board and staff scheduling conflicts.

Upon motion by Dr. Nottingham, seconded by Mr. Gates, the Board voted to adjourn the meeting at 1:40 pm. The Board then conducted the 3 repeat PE applicant interviews beginning at 2pm and completed shortly after 3pm. The next Board meeting will be March 20, 2018, in Charleston. The Board members will be compensated one day per diem plus travel expenses.

Edward L. Robinson, P.E.
Board President

Garth E. Thomas, P.E.
Board Secretary