

General Session Minutes
State Board of Registration for Professional Engineers
May 24, 2022

The West Virginia State Board of Registration for Professional Engineers met at their office in Charleston on Tuesday, May 24, 2022. Those present for all or part of the meeting were:

Garth E. Thomas	President
Larry C. Nottingham	Vice-President
L.A. Gates	Secretary
Bhajan S. Saluja	Member
Edward L. Robinson	Member
Lesley L. Rosier-Tabor	Executive Director
Edward Eagloski	Board Counsel

The meeting was called to order at 9:30am. The Board meeting minutes for the March 22, 2022 meeting were reviewed. A motion to approve the minutes was made by Mr. Saluja, seconded by Dr. Nottingham. Motion carried.

The Board budget summaries for March and April 2022 were received and reviewed, and the Board reviewed the P-Card transactions for the months of March and April as well. Ms. Rosier reported a \$1.8M balance for the ending of April 2022 and noted an estimated \$1.6M balance is anticipated at the end of FY22. The Board also reviewed the FY23 Expenditure Schedule Submission that was required to be submitted no later than May 2, 2022. Ms. Rosier noted the agency submission was similar to that of the FY22 Expenditure Schedule and FY23 Appropriations Requests; however, there was a need for some minor adjustments in the specific object code requests to better reflect FY23 expense needs.

The Board also reviewed the specifications and cost for the purchase of a new Konica Minolta copier to replace their current equipment that was purchased nearly a decade ago. In recent months, a series of problems have been encountered with the current copier and replacement parts are no longer available. With the recent awarding of the new DIGICOP statewide copier contract to Komax, LLC, Board staff recently met with Komax representatives to determine the best option for current Board needs.

A motion to approve the budget, current expenditures, purchasing card transactions, and purchase of the Konica Minolta copier was made by Mr. Robinson, seconded by Mr. Gates. Motion carried.

Ms. Rosier updated the Board on her recent follow-up meeting with staff from the WV Office of Technology (WVOT) regarding detailed costs and logistical considerations associated with transitioning to the state domain and using the WVOT for future IT services. In summary, the immediate and upfront cost estimates for the first year,

including unexpected, required equipment and cabling upgrades, software needs, backup storage fees, etc., totaled approximately \$40K and were well above original estimates and budgeted allocations. In addition, unanticipated equipment upgrades required to meet WVOT needs, along with many unknowns shared by WVOT staff regarding current orders being unfulfilled and/or unknown delivery timelines for receiving this new equipment in light of current supply chain issues were also concerning. Lastly, unknown costs and business impact on daily operations due to the required switch from Microsoft Office to the Google platform, including email address changes, etc., were also reviewed. After careful and thoughtful consideration, the Board was unable to justify the move at this time.

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

- Ms. Rosier provided the Board with a summary report for the past year regarding both NCEES FE and PE exam data, including the following:
 - number of examinees who registered
 - number of exams delivered
 - number of exams cancelled
 - number of exams currently scheduled
 - number of exams currently rescheduled
 - number of exams currently unscheduled
 - number of no shows
 - number of passing candidates
 - number of failing candidates (including the number of times taken)
 - number of exams currently delivered and awaiting results
- The Board reviewed the list of recent and upcoming presentations, conferences, and meeting participation. Ms. Rosier discussed registration needs for the upcoming 2022 NCEES Annual Meeting in Carlsbad, CA. Board members Thomas and Saluja, as well as staff members Rosier and Eagloski, plan to attend.

A motion was made by Mr. Nottingham, seconded by Mr. Robinson, 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 calendar. Motion carried.

Prior to entering into Executive Session, the Board's Counsel provided the details of the resolution of Complaints C2022-10, C2022-11, C2022-14, C2022-15, C2022-16, C2022-17, C2022-18, C2022-19, C2022-20, C2022-21, C2022-22, C2022-23, C2022-24, C2022-25, C2022-27, C2022-30, C2022-31, C2022-32, and C2022-33. The consent orders have been posted on the Board's website.

Dr. Nottingham made a motion to enter into Executive Session at 10:15am, seconded by Mr. Saluja. Motion carried.

Mr. Robinson excused himself and exited the room, as to not be part of any discussion or decision making regarding C2022-12 and C2022-13.

At 12:05pm, Dr. Nottingham made a motion, seconded by Mr. Gates, to move into General Session. The motion carried, and the Board took the following action:

- Dr. Nottingham made a motion, seconded by Mr. Saluja, to dismiss Complaint C2022-36. Motion carried.
- Dr. Nottingham made a motion, seconded by Mr. Gates, to move I2022-34 to Complaint. Motion carried. Furthermore, Dr. Nottingham made a motion, seconded by Mr. Gates, to “Receive and File” Complaint C2022-38, and set said Complaint for a hearing on 11/16/2022. Motion carried.
- Dr. Nottingham made a motion, seconded by Mr. Robinson to initiate legal action to reduce the outstanding balance in C2014-16 and C2015-10 to a judgement and to take such efforts to collect upon said judgement. Motion carried.

Regarding personnel issues, Dr. Nottingham made a motion, seconded by Mr. Saluja, to provide all staff with a total merit increase of 6.5%, which is to include the Governor’s ATB raise for all state employees of \$2550 annualized and effective July 1, 2022. Motion carried. Ms. Rosier is to prepare the required merit raise payroll documentation to submit to the agency payroll administrator and the WV State Budget Office, including a copy of draft meeting minutes indicating the official Board action taken outside of the Executive Session and recorded in the General Session Meeting Minutes.

The Board recessed the General Session at 12:15pm for lunch and resumed the General Session at 12:45pm.

President Thomas and Ms. Rosier provided the Board with a recap of the NCEES Northeast Zone meeting in Newport, Rhode Island. They attended along with Dr. Nottingham and Mr. Eagloski. Ms. Rosier provided an update on the NCEES MBA Committee, as well as the MBA Forum that she led at the Zone meeting. President Thomas provided an update on the NCEES Education Committee, as well as the Engineers Forum that the remaining attendees participated in at the Zone meeting. Ms. Rosier noted that NCEES Committee appointments for 2022-2023 have yet to be announced.

The Board reviewed the 2022 NCEES Annual Meeting agenda and supporting documentation, noting the deadline for NCEES funded-delegates to register and book travel is July 8th and prior to the Board’s next meeting. She requested all those planning to attend to respond to the latest NCEES registration email, and book travel, as soon as possible.

Ms. Rosier shared that registration is now open for the June and July NCEES State of the Council Meetings. Just like the April and May meetings, these virtual events will be conducted via Zoom and feature timely announcements and updates on NCEES initiatives, including the upcoming annual meeting and headquarters updates. These virtual webinars are to be conducted on June 8th and July 13th. Ms. Rosier reminded

Board members who are unable to participate on the dates noted that they can log into their MyNCEES account and view the recording as well.

The Board reviewed information from NCEES and the Alliance for Responsible Professional Licensing (ARPL) regarding legislative updates, Universal Licensure and overlapping practice issues. A variety of upcoming webinars will be offered to address member board needs.

Mr. Saluja made a motion to re-enter into Executive Session at 1:10pm, seconded by Dr. Nottingham. Motion carried.

At 1:15pm, Dr. Nottingham, made a motion, seconded by Mr. Robinson, to move into General Session. Motion carried.

Ms. Rosier shared recent correspondence sent to the Chapter 30 Boards by the Post Audit Division, at the direction of the Legislative Auditor, to conduct an analysis and assess the Board's utilization of IT services and web functionalities. Ms. Rosier provided the agency response for the Board's review.

Ms. Rosier reminded the Board of the outcome of the 2022 WV Legislative Session. Despite the Board not submitting any legislative rule changes for consideration, during the last week of session, SB334 was amended in committee with a full strike and insert to include an unexpected 10% reduction in all fees charged by the WV PE Board as well as a number of other Chapter 30 Boards. While this amendment came as a surprise to Board members and staff, it gave them reason to once again revisit fees in 2022. Ms. Rosier reported that she submitted the Final Filing documents to the WV Secretary of State's Office on May 5, 2022. This Final Filing was accepted as submitted to amend Legislative Rule W.Va. §7 C.S.R. 1, exactly as it appears in SB334, and the Board's new fee structure will go into effect on August 1, 2022.

Ms. Rosier then presented the board with a draft version of proposed changes to Title 7, Series 1 Legislative Rule updates. These updates included a number of fee changes that ultimately reduced the Board's revenue even further. Ms. Rosier presented the Board with this new financial scenario and estimated impact over the next several years. After discussion, the Board directed the Executive Director to file said rules with the WV Secretary of State's Office for public comment.

The Board reviewed the Professional Licensing Report and received an update from the Board's Counsel regarding a 2020 case before the WV Supreme Court of Appeals regarding expert testimony.

President Thomas provided the Board with an update regarding a concern that was brought to the Board's attention regarding WVSU and their non-accredited Civil and Chemical Engineering programs currently being offered in Institute, WV. President Thomas and Ms. Rosier met with Dr. Mohammad Bhuiyan, the lead faculty member/ chair in charge of these new WVSU programs, who indicated they were on track to request

ABET-accreditation immediately following their first program participant graduates. Dr. Bjuian indicated he will also be sitting for the NCEES exams and pursuing PE licensure in the near future and promised to keep the Board apprised of progress with both.

Ms. Rosier recapped another successful WV/OH PE/PS professional development seminar held at the WV Construction and Design Exposition (EXPO) with over 150+ participants attending the Boards' seminar in March 2022. Ms. Rosier thanked all Board members for their participation in this valuable continued education opportunity.

Ms. Rosier provided a quick summary for the 2022 PE renewal plans, noting that preparations and beta testing for new fee changes will begin in late summer.

Ms. Rosier discussed plans regarding the Board's 2022 INTERchange newsletter. Ms. Rosier requested all newsletter articles be submitted in draft format at or before the Board's July 2022 meeting.

The Board discussed the FY2023 officer elections and Mr. Robinson made a motion, seconded by Mr. Saluja, to retain the same Board officers for the upcoming fiscal year. The motion passed unanimously and therefore Mr. Thomas will remain as Board President, Dr. Nottingham as Board Vice-President, and Mr. Gates as Board Secretary from July 1, 2022 to June 30, 2023.

Ms. Rosier discussed the remaining items found on the Board's 2022 Calendar of Events and requested Board members provide her with any foreseeable conflicts. The Board discussed the option of pushing back the start time of future regularly-scheduled Board meetings to 10:00am. All Board members agreed this would help those traveling from a distance and would not negatively impact their returns home in the afternoon/evenings. Ms. Rosier indicated she would immediately contact the WV Secretary of State's Office to make the necessary time change to the remaining 2022 public meeting notices she already has posted on their website.

Upon motion by Dr. Nottingham, seconded by Mr. Robinson, the Board voted to adjourn the meeting at 1:30pm. The next Board meeting will be July 19, 2022, in Charleston. The Board members will be compensated one day per diem plus travel expenses.

Garth E. Thomas, Jr., P.E.
Board President

Leslie A. Gates, P.E.
Board Secretary