

General Session Minutes
State Board of Registration for Professional Engineers
November 16, 2021

The West Virginia State Board of Registration for Professional Engineers met at their office in Charleston on Tuesday, November 16, 2021. 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 9:05am. Mr. Robinson participated remotely via teleconference. The Board meeting minutes for the September 15, 2021 meeting were reviewed. A motion to approve the minutes was made by Mr. Gates, seconded by Dr. Nottingham. Motion carried.

The Board budget summaries for September and October 2021 were received and reviewed, and the Board reviewed the Pcard transactions for the months of September and October. Ms. Rosier reported a \$1.35M balance at the end of October 2021 and prior to the launch of the Certificate of Authorization (COA) renewal season.

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

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

- Ms. Rosier reported that there were 61 examinees registered with NCEES as WV applicants for the October 2021 Civil PE exam, which was the last paper and pencil offering of this exam. A total of 54 examinees appeared within the 3 WV exam sites and results should be made available by NCEES in early December.
- Ms. Rosier reported that she conducted two successful face-to-face Board presentations at Marshall University, one on September 28th and the other on October 22nd. Mr. Eagloski, Board Counsel, joined Ms. Rosier for the October 22nd presentation to share background and insight on the Board's complaint and investigative procedures. A combined total of over 200 students and faculty were present and benefited from the Board sessions.
- Ms. Rosier provided the Board with updates on staff's on-going projects and answered questions.

- Ms. Rosier discussed the various meetings and trainings completed since the last Board meeting, including two NCEES Law Enforcement Trainings, NCEES PE Exam Proctor Training, and the 2021 Required State Purchasing Card Coordinator's Seminar. Ms. Rosier also shared upcoming meeting and training dates that will take place prior to the end of the 2021 calendar year.

A motion was made by Dr. 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 settlement of complaints C2021-20, C2021-22, C2022-01, C2022-03, C2022-04, and C2022-06. The consent orders will be posted on the Board's website within a reasonable timeframe.

Dr. Nottingham made a motion to enter into Executive Session at 9:20am, seconded by Mr. Gates. Motion carried.

Mr. Robinson excused himself and disconnected his phone call with the Board, as to not be part of any discussion or decision making regarding C2022-05.

The Board recessed the Executive Session at 11:55am for lunch and resumed the Executive Session at 12:25pm.

At 12:40pm, Dr. Nottingham made a motion, seconded by Mr. Saluja, to move into General Session. The motion carried, and the Board took the following action:

- Mr. Saluja made a motion, seconded by Dr. Nottingham, to move I2022-08 to complaint. Motion carried. Furthermore, Mr. Saluja made a motion, seconded by Dr. Nottingham, to receive and file complaint C2022-08, and set said complaint for a hearing on 3/16/2022. Motion carried.
- Dr. Nottingham made a motion, seconded by Mr. Gates, to move I2022-09 to complaint. Motion carried. Furthermore, Dr. Nottingham made a motion, seconded by Mr. Gates, to receive and file complaint C2022-09, and set said complaint for a hearing on 3/16/2022. Motion carried.
- Mr. Saluja made a motion, seconded by Mr. Gates, to move I2022-10 to complaint. Motion carried. Furthermore, Mr. Saluja made a motion, seconded by Mr. Gates, to receive and file complaint C2022-10, and set said complaint for a hearing on 3/16/2022. Motion carried.
- Dr. Nottingham made a motion, seconded by Mr. Gates, to move I2022-11 to complaint. Motion carried. Furthermore, Dr. Nottingham made a motion, seconded by Mr. Gates, to receive and file complaint C2022-11, and set said complaint for a hearing on 3/16/2022. Motion carried.

The Board acted upon the special case files as follows:

- Mr. Robinson made a motion, seconded by Dr. Nottingham, to approve the PE reinstatement application for James Travis Miller. Motion carried.

- Dr. Larry Nottingham made a motion, seconded by Mr. Gates, to approve the DBA Waiver application for Construction Management & Engineering Corporation d.b.a. CME Corp. Motion carried.

Ms. Rosier had no additional COVID-19 updates to report since the last meeting. There continues to be a number of protocols still in effect that are impacting various state trainings as well as NCEES travel, meetings and exams.

Ms. Rosier provided a summary of the 2021 NCEES Annual Meeting and the Board reviewed the summary of actions on motions voted upon during the Business Session at the meeting. She also discussed staff participation in the virtual offerings of the 2021 NCEES Law Enforcement Forums.

The Board reviewed the 2021-2022 NCEES National Service Awards call for nominations and the Executive Director reminded the Board that their nomination of President Garth Thomas for the NCEES Distinguished Exam Services Award is due by January 31, 2021. Ms. Rosier will compile the nomination information and supporting documentation for Board approval during their January 2022 Board meeting.

Mr. Saluja made a motion, seconded by Dr. Nottingham, to approve and nominate Edward Eagloski, Board Counsel, for Associate Membership with NCEES. Ms. Rosier will prepare the necessary paperwork and submit to NCEES for consideration during their February 2022 Board of Directors meeting.

The Board reviewed the most recent Alliance for Responsible Professional Licensing (ARPL) publications and Ms. Rosier provided an update from the latest ARPL-WV teleconference that she participated in as they prepare for the upcoming 2022 Legislative Session.

President Thomas and Ms. Rosier provided updates on their 2021-2022 NCEES Committee work to date. President Thomas serves as the Chairman of the NCEES Education Committee and Ms. Rosier serves as a member of the Member Board Administrators Committee. Both Committees have been extremely busy with various virtual meetings to tackle a myriad of charges assigned to them by NCEES President Robertson.

The Board reviewed a summary of responses to the NCEES MBA listserve regarding faculty licensure, which highlighted the differences in engineering practice definitions, as well as relevant laws and rules pertaining to exemptions and incentives offered from state to state.

The Board reviewed the summary of NCEES 2021 PE exam changes, including the final stages of the CBT transition. Ms. Rosier reported on her and Board Administrator Rubenstein's proctoring experience at the most recent October 2021 Civil PE exam, which was also the final offering of a paper-and-pencil Civil PE exam. The only remaining

exams to be offered via paper is the 16-hour Structural PE exam, with a projected transition to CBT by 2024.

The Board reviewed staff correspondence with the WV Legislative Auditor's Office concerning data collection as it relates to Chapter 30 Licensing Boards and the frequency and cost of Administrative Law Hearings conducted during the 2018-2019 timeframe.

Board members congratulated Mr. L.A. Gates for receiving his re-appointment letter from Governor Justice. Mr. Gates's re-appointment is effective through the term ending June 30, 2025. Ms. Rosier provided the Board with the most recent information regarding the remaining Board appointment needs.

President Thomas and Mr. Saluja discussed their ABET observer activities conducted by a series of lengthy teleconferences over the last several months, culminating in 3-day virtual team visits in October 2021. They both indicated this was a challenging, yet rewarding, experience and the final ABET reports have yet to be released.

Ms. Rosier reported successful beta testing of updates made to the COA online renewal system. Additionally, Ms. Rosier discussed the 2021–2022 COA renewal game plan, highlighting the online renewal link will be activated no later than November 20th and staff will be dropping the large mass mailing of required renewal notices to USPS on Friday, November 26, 2021.

Ms. Rosier presented the Board with the final draft of the Purchasing Inspection report and Corrective Action Plan, addressing three technology-related oversights in the past two years. Ms. Rosier and Ms. Rubenstein, who serve as the Board's Agency Procurement Officers, will be requesting a meeting with staff of the WV Office of Technology to request assistance in assessing our current technology and to review our expenditures to clarify which ones require WVOT approval in the future.

The Board reviewed the latest edition of the Professional Licensure Report (PLR).

The Board reviewed the Fall 2021 InterChange newsletter publication final copy. The newsletter is scheduled to be mailed to firms on November 26, 2021, accompanying the COA renewal notification mailing and a copy of the latest WV Engineering Law booklet, reflecting legislative changes effective April 1, 2020. All Active and Retired PEs will simply receive a copy of the Interchange via a separate mailing to be sent on December 1, 2021.

The Board was presented with dates for the 2022 WV Construction and Design Exposition (EXPO) to be held at the Charleston Civic Center on March 23-24, 2022. After a 2-year hiatus due to COVID, the Board once again plans to have an agency booth and program ad (to serve as a Professional Development documentation page for attendees), in addition to conducting a 2-hour continuing education seminar to be offered free to all attendees. Ms. Rosier will contact both the OH PE/PS Board, as well as the WV PS Board, to determine if a joint session can be offered as was in 2019, to be counted toward both WV and OH PE and PS renewal requirements.

Ms. Rosier presented the FY2021 Annual Report for Board review and comment. President Thomas and Secretary Gates were asked to stay after the meeting to complete the Officer Affidavits with notarizations in order to finalize the report for submission to the Governor's Office.

The Board was presented with a Proclamation Certificate of Recognition received from Governor Jim Justice in recognition of the centennial celebration of existence of the WV State Board of Registration for Professional Engineers. The proclamation highlighted the significance of the upcoming November 21st date when the Board celebrates the 100th Anniversary of their first official meeting convened 10am in the Coyle and Richardson Building, Charleston, WV. Ms. Rosier indicated she will be including this proclamation, as well as other historical and celebratory information in the Fall 2022 edition of the InterChange.

The Board reviewed the upcoming 2022 Calendar of Events, noting the anticipated return of many face-to-face planned meetings and events that have been cancelled or taken virtual due to COVID-19 since March 2020.

Upon motion by Mr. Saluja, seconded by Dr. Nottingham, the Board voted to adjourn the meeting at 1:45pm. The next Board meeting will be January 18, 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