

**General Session Minutes
State Board of Registration for Professional Engineers
July 21, 2009**

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street in Charleston, WV on Tuesday, July 21, 2009. Those present for all or part of the meeting were:

Leonard J. Timms, Jr.	President
Edward L. Robinson	Vice-President
Bhajan S. Saluja	Secretary
Richard E. Plymale	Member
William E. Pierson	Member
Lesley L. Rosier-Tabor	Executive Director
Don W. Johnson	Board Investigator
Debra L. Hamilton	Legal Counsel
Nicole Cofer	Legal Counsel

The meeting was called to order at 9:00 a.m. There were no additions to the agenda.

The Board meeting minutes of May 19, 2009 (both executive and general session) were reviewed. A motion to approve the minutes was made by Mr. Saluja, seconded by Mr. Plymale. Motion carried.

The Board budget summaries for May and June 2009 were received and reviewed. The detailed P-card expenditures were also received and reviewed. A motion to approve the expenditures and purchasing card transactions was made by Mr. Pierson, seconded by Mr. Robinson. Motion carried. Ms. Rosier presented the response to the P-Card audit. A motion to approve the audit response as presented was made by Mr. Robinson, seconded by Mr. Saluja. Motion carried. The final report will be sent to the auditor's office.

Ms. Rosier presented the Executive Director's report and addressed all Board questions and comments. Ms. Rosier discussed her participation in recent events and presentations made by her and Mr. Johnson to various groups since the last Board meeting, in addition to reviewing the office's schedule of upcoming activities. A motion was made by Mr. Robinson, seconded by Mr. Plymale, to approve attendance and travel for staff activities outlined in the Executive Director's report and updated 2009 calendar of events, in addition to Nicole Cofer's travel to the upcoming FARB Attorney Certification Seminar.

The Annual NCEES Meeting is scheduled for August 12-15, 2009 in Louisville, Kentucky. The Board, Ms. Rosier, Mr. Johnson and Ms. Cofer plan on attending.

The April exam administration results were reviewed. Pass rates for first time exam takers appear to be increasing. Once NCEES detailed statistics are received, Ms. Rosier will prepare letters to the engineering schools with the improved pass rates commending their efforts. These letters will be reviewed and approved at the September Board meeting before mailing. The educational plans of study and their effect on the pass rates were discussed. Three of eight PE candidates with a plan of study passed, including the one PE candidate who required a Board interview. Four of thirty-one FE candidates with a plan of study passed. The one FE candidate who met with the Board was absent from the exam. Absenteeism was believed to be increased due to the implementation of the plans of study. Currently, the Board is not counting an absence as a failed attempt.

The 2009-2010 renewal is moving rapidly toward completion. As of the first of July there are 8% of the PE's, 16% of the COA's and 20% of the retirees remaining to renew. Thus far, it is the most successful on-line renewal year since implementation of the system. Renewal concerns/problems have been minimal (<0.1%) and the courtesy email reminders, as well as the immediate Adobe email confirmations of a renewal transaction, have received positive feedback.

Mr. Pierson moved to enter into executive session at approximately 9:30 am, seconded by Mr. Plymale. Motion carried.

The Board recessed the meeting and executive session at 10:00 AM to hold an administrative hearing on complaint C2009-10. See Record of Hearing.

After the conclusion of the hearing, the Executive Session resumed.

At the conclusion of the Executive Session, Mr. Saluja moved to enter into general session with a second by Mr. Plymale. Motion carried and the Board took the following actions:

1. Respondent on complaint C2008-14 has not complied with the conditions of the Consent Order. If civil penalty payments are not made as proposed by the respondent, counsel is directed to enforce the Consent Order in the Circuit Court of Kanawha County.
2. Mr. Robinson made a motion that complaint C2009-5 be dismissed. Motion was seconded by Mr. Pierson and carried. The respondent will be notified and cautioned about future activities in West Virginia.
3. Mr. Timms recused himself and absented the room for discussions relating to complaint C2009-14. Mr. Pierson moved that the complaint be scheduled for hearing at the September meeting. Motion was seconded by Mr. Saluja and carried.
4. Mr. Robinson moved that complaint C2009-20 be dismissed, deeming it a contract dispute outside the jurisdiction of the Board. Complainant will be notified, with the dismissal letter copied to Respondent. Motion was seconded by Mr. Pierson and carried.
5. Mr. Saluja moved that complaint C2009-21 be scheduled for hearing at the September Board meeting if an agreement cannot be reached. Motion was seconded by Mr. Plymale and carried.
6. Mr. Robinson moved that complaint C2009-24 be scheduled for hearing at the September Board meeting if an agreement cannot be reached. Motion was seconded by Mr. Plymale and carried.
7. Mr. Robinson moved that inquiry I2009-31 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Pierson and carried.
8. Mr. Pierson moved that inquiry I2009-32 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Robinson and carried.
9. Mr. Plymale moved that inquiry I2009-34 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Saluja and carried.

10. Mr. Plymale moved that inquiry I2009-35 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Robinson and carried.
11. Mr. Robinson moved that inquiry I2010-01 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Saluja and carried.
12. The Board directed counsel to draft an interpretative rule addressing the requirements on how registrants can approve the work of others.

Based on a motion by Mr. Robinson, seconded by Mr. Saluja, the Board took the following actions on Special Cases for Board Action:

1. Yahya Aliabahizadeh's request for comity was approved.
2. Peter C. Andersen's request for comity was approved.
3. Brian P. Barninger's request for comity was approved.
4. Ronald J. Horton's request for comity was approved.
5. Scott A. Miller's request for reinstatement was denied for a minimum of one year.
6. James A. Skees request for comity was approved.

The regular meeting of the Board was recessed for the purpose of having an informal conference with Respondent in C2009-12 at Respondent's request. Prior to the informal conference, Board through counsel had agreed to continue the hearing scheduled for this date, and Respondent waived any objection he may have to the Board's knowledge of matters relating to the complaint as a result of this conference if and when it sits as the Hearing Panel on C2009-12. Respondent was accompanied by an interpreter (whose services were not needed). Settlement options were discussed and will continue through the Board's counsel, with the hearing to be rescheduled if needed.

Ms. Rosier reported that one of the staff has retired effective August 6, 2009. Only a temporary employee can be hired as a replacement due to a statewide hiring freeze.

President Timms updated the Board on his NCEES activities. The last of four Zone meetings has been held since our last Board meeting. The Western Zone will present resolutions addressing the B+30/Master's Equivalent at the annual NCEES meeting. The North Carolina Board will submit a motion relating to engineer's involvement in crane selection and installation. The vote on the next NCEES National President, for which President Timms is a candidate, will take place at the upcoming annual meeting.

NCEES is an accredited standards development organization (SDO) recognized by the American National Standards Institute (ANSI). On March 29, 2009, ANSI approved the first NCEES standard which defines the criteria for attaining status as a Model Law Engineer (MLE). NCEES has started developing a similar standard for the Model Law Structural Engineer (MLSE) which specifies the criteria for defining competency in the practice of structural engineering. This standard will include specifications for uniformity in requirements for education, experience and examination for candidates to attain licensure as defined in the NCEES *Model Law* and *Model Rules*. NCEES requested that the WV Board review the MLSE standard and comments from the perspective of a producer of standards. Mr. Pierson made a motion that the proposal be approved as presented. The motion was seconded by Mr. Robinson and carried. NCEES will be notified of the results.

The NCEES Center for Professional Engineering Education Services (CPEES) reported that it does not approve on-line master's degree courses.

Issues have been raised by a Kansas Board member regarding the possible inequities and/or inconsistencies in registration of engineers with foreign degrees. The Kansas Board member has expressed concerns regarding the CPEES evaluation process and contacted one of the WV Board members for input. President Timms reported that the NCEES Board of Directors is reviewing a variety of issues regarding such matters and there will likely be discussion addressing the issues at the NCEES Annual meeting.

NCEES notified the Board of two actions taken by their Board of Directors. First, proctoring of examinees from other jurisdictions will no longer be allowed except for active military due to problems with the exam administration location. The WV Board adopted this position a number of years ago. Second, NCEES exam administration fees will be standardized for all states beginning in October 2010. This will result in overall cost reduction for the WV Board.

Ms. Rosier further reviewed the results of the April 2009 plan of study and their potential impact on pass rates. It appears that fewer repeat takers are sitting for the exam. The individual interviews (required for those still unsuccessful after presenting three or more plans of study and requesting permission to sit for the October 2009 exam will be held) on August 7, 2009 in the Board offices.

A motion was made by Mr. Robinson to extend the one-time fee waiver for students taking the FE examination through the October 2014 administration. Motion was seconded by Mr. Pierson and carried.

The ABET evaluation for Marshall is still scheduled for September 13-15, 2009. Both WVU and WVU Tech (Engineering Technology programs) are scheduled to go through the ABET evaluation this year as well. The dates for those evaluations still have not been provided to the Board. If contacted by the ABET team chair to serve as an observer on the campus visit, Board member participation is strongly encouraged.

The annual WV Board of Risk Management Loss Control assessment has been completed and the results of the recent safety meeting were communicated to the Board.

Ms. Rosier was contacted in April of this year by Counsel for the House Committee on Government Organization regarding a study to update the WV Engineering Law. The legislative contact indicated this will involve reviewing the board's statute, updating it to current format and updating to current standards of practice. The Board and staff are awaiting additional communication regarding the schedule of activity. Staff and Board counsel continue to develop a list of issues to incorporate in draft legislation.

The September Board meeting was rescheduled for September 29, 2009 due to the conflict with the Marshall ABET evaluation and other Board member commitments. The meeting will take place at the PE Board office located at 300 Capitol Street, Charleston, WV.

Upon motion by Mr. Pierson, seconded by Mr. Plymale, the meeting adjourned at 4:30 p.m. The Board members will be compensated one day per diem plus travel expenses.

Leonard J. Timms, Jr., P.E.
Board President

Bhajan S. Saluja, P.E.
Board Secretary