

**General Session Minutes
State Board of Registration for Professional Engineers
September 26, 2023**

The West Virginia State Board of Registration for Professional Engineers met at their office in Charleston on Tuesday, September 26, 2023. Those present for all or part of the meeting were:

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

The meeting was called to order at 10:05am. The Board President introduced and welcomed new Board Member Carol Stevens, who was appointed by Governor Jim Justice on August 2, 2023 to replace former Board Member Bhajan S. Saluja. The Board meeting minutes for the July 11, 2023 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 July and August 2023 were received and reviewed. Ms. Rosier stepped through each section of the budget documentation and expenditures, including the P-Card transactions for the July and August 2023 timeframe, and reported a \$1.44M balance at the end of August 2023. In addition, Ms. Rosier presented the Board with the FY2025 Appropriations Request submission filed with the WV State Budget Office before their September 1st deadline. The FY2025 Appropriation Request was similar to the FY2024 Expenditure Schedule submission reviewed by the Board at its May 2023 Board meeting, and complies with the Appropriation Request Instructions to maintain the current level of spending authority and show no increases to the bottom line of any fund.

Ms. Rosier also presented the Executive Director's report, including recent and upcoming meetings, training and travel. She also provided updates for on-going projects.

A motion to approve the budget, the FY2025 Appropriations Request, current expenditures, purchasing card transactions, and travel was made by Dr. Nottingham, seconded by Mr. Robinson. Motion carried.

Ms. Rosier shared SB740, Section 4-2A-5, which included authority to increase the rate of compensation of the WV Legislative members to \$200 per day effective June 9, 2023. In addition, she presented WV Code 30-1-11 which outlines Board members are entitled to receive compensation for attending official meetings or engaging in official duties not to exceed the amount paid to members of the Legislature for their interim duties. Per direction from the Department of Administration, each Board must officially approve this increase and complete the necessary paperwork for the new rate to be effective.

A motion to approve the per diem increase for Board members as outlined in SB 740 was made by Mr. Robinson, seconded by Mr. Gates. Motion carried.

Prior to entering into Executive Session, the Board's Counsel provided the details of the resolution of Complaints C2023-16, C2023-21, and C2024-08.

Mr. Robinson made a motion to enter into Executive Session at 10:22am, seconded by Dr. Nottingham. 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.

The Board recessed the Executive Session at 12:05pm for lunch. During lunch, the Board was joined by former Board Member Bhajan Saluja, former Counsel Debra Hamilton, and staff members Tara Jordan, Tiffany Coleman and Sue Rubenstein. After lunch, President Thomas led the group in thanking Mr. Saluja for his dedication, leadership and tireless efforts providing nearly 20 years of service to the Board. President Thomas presented Mr. Saluja with a locally handmade gift from reclaimed wood and bearing the West Virginia seal. Each Board member and staff member was provided the opportunity to also share their appreciation toward Mr. Saluja, who then shared a heart-felt farewell with the group.

At 1:30pm, the Board re-entered into Executive Session and held an informal conference with the Respondents in C2023-12 and C2023-13.

At 2:15pm, Mr. Robinson made a motion, seconded by Dr. Nottingham, to move into General Session. The motion carried.

Ms. Rosier shared that the WV State Fire Marshal, Kenneth Tyree, had arrived and therefore President Thomas indicated we would move forward to that agenda item. Mr. Tyree and the Board members discussed a number of items, including the plans review and inspection process, the State Fire Code, the State Building Code and permitting. Mr. Tyree expressed an interest in working with the PE Board, Architects Board, professional licensees, contractors and the Building Code Officials to continue to improve their processes and procedures for plan review and enforcement throughout the state. He also shared his July 2023 memo requesting assistance from all county, political subdivisions, municipal planning commissions and building code departments. President Thomas and Ms. Rosier shared that there was currently a joint effort underway with the WV Architects Board to revise a historic publication of the Handbook for Building Code Officials, and indicated Mr. Tyree should be added to the list of stakeholders for future meetings.

At 3:05pm, Mr. Robinson made a motion to re-enter into Executive Session, seconded by Dr. Nottingham. Motion carried.

At 3:20pm, Mr. Robinson made a motion, seconded by Dr. Nottingham, to move into General Session. The motion carried, and the Board took the following action:

- Mr. Robinson made a motion that the Board President and Board Counsel be authorized to participate in a court-mandated, pre-trial mediation in the civil action regarding Board Complaints C2014-16 and C2015-10, and that the Board

President be given the authority to settle the civil action under terms and conditions he believes is fair, equitable and in the best interests of the Board and the State of West Virginia. The motion was seconded by Mr. Gates. Motion carried.

- Dr. Nottingham made a motion, seconded by Mr. Gates to dismiss C2023-07. Motion carried.
- Mrs. Stevens made a motion, seconded by Mr. Gates to dismiss C2024-01. Motion carried.
- Dr. Nottingham made a motion, seconded by Mrs. Stevens, to “Receive and File” Complaint C2024-10, and to set said Complaint for a hearing on January 23, 2024, at 1:00pm.
- Mr. Robinson made a motion, seconded by Mr. Gates, to move I2024-10 to Complaint. Motion carried. Furthermore, Mr. Robinson made a motion, seconded by Mr. Gates, to “Receive and File” Complaint C2024-11, and set said Complaint for a hearing on March 19, 2024, at 1:00pm. Motion carried.
- Mr. Robinson made a motion, seconded by Mr. Gates, to move I2024-11 to Complaint. Motion carried. Furthermore, Mr. Robinson made a motion, seconded by Mr. Gates, to “Receive and File” Complaint C2024-12, and set said Complaint for a hearing on March 19, 2024, at 1:00pm. Motion carried.
- Mr. Robinson made a motion, seconded by Mr. Gates, to move I2024-12 to Complaint. Motion carried. Furthermore, Mr. Robinson made a motion, seconded by Mr. Gates, to “Receive and File” Complaint C2024-13, and set said Complaint for a hearing on March 19, 2024, at 1:00pm. Motion carried.
- Mr. Robinson made a motion, seconded by Mr. Gates, to move I2024-13 to Complaint. Motion carried. Furthermore, Mr. Robinson made a motion, seconded by Mr. Gates, to “Receive and File” Complaint C2024-14, and set said Complaint for a hearing on March 19, 2024, at 1:00pm. Motion carried.
- Mr. Robinson made a motion, seconded by Mr. Gates, to move I2024-14 to Complaint. Motion carried. Furthermore, Mr. Robinson made a motion, seconded by Mr. Gates, to “Receive and File” Complaint C2024-15, and set said Complaint for a hearing on March 19, 2024, at 1:00pm. Motion carried.

The Board acted upon the special case files as follows:

- Mr. Robinson made a motion, seconded by Mr. Gates, to approve the PE comity application for John D. Lillquist. Motion carried.
- Dr. Nottingham made a motion, seconded by Mr. Gates, to approve the PE comity application for Michael P. Stromberg. Motion carried.
- Mr. Robinson made a motion, seconded by Dr. Nottingham, to approve the PE comity application for Steven J. Winter. Motion carried.

- Mr. Robinson made a motion, seconded by Mr. Gates, to approve the Business Entity - DBA Waiver application for Innovative Workflow Engineering, Inc. Motion carried.
- Mr. Robinson made a motion, seconded by Mrs. Stevens, to deny the Business Entity - DBA Waiver application for ESIA, d.b.a. Chubb Risk Engineering. Motion carried.
- Mrs. Stevens made a motion, seconded by Mr. Robinson, to deny the Business Entity - DBA Waiver application for SJCA, d.b.a. Green 3. Motion carried.

President Thomas shared a brief update and summary of recent actions taken at the 2023 NCEES Annual Meeting held in Boston, MA. President Thomas and Ms. Rosier also reported they will both be participating in initial meetings with their respective NCEES committee members to discuss the 2023-2024 charges in the upcoming month.

The Board discussed nominating former Board member Bhajan Saluja as an Emeritus member of NCEES. Mr. Robinson made a motion, seconded by Dr. Nottingham, to authorize the Executive Director to nominate former Board Member Bhajan S. Saluja, P.E. as a “Board Member Emeritus” with the NCEES organization. Motion carried.

Ms. Rosier reported that the Alliance for Responsible Professional Licensing (ARPL) group is planning their first face-to-face meeting with WV regulatory Boards and representatives from NCEES, NCARB, AICPA, and more. The meeting is tentatively scheduled for Thursday, November 9th in Charleston.

The Board reviewed the final CBT PE exam transition schedule update. Ms. Rosier noted that the last Structural PE exams will be offered by paper and pencil exams in select regional locations in October 2023. Beginning in 2024, all NCEES exams will be offered via computer-based testing.

Ms. Rosier provided the Board with the calendar dates for the remaining 2023 WV Legislative Interims. She also noted that several legislative items are anticipated to be on the agenda for the upcoming Licensing Board Seminar, including legislation affecting Chapter 30 Boards and Rule-Making Review procedures.

Ms. Rosier reported that all KVB-RERI A/C building maintenance issues have been resolved and portable units were removed last month.

Ms. Rosier reported notification of one re-appointment and one new Board appointment made by the Governor’s Office on August 2, 2023. Board members congratulated President Garth Thomas for receiving his re-appointment letter from Governor Justice, with his new term ending June 30, 2028. In addition, the Board was pleased to welcome Mrs. Carol A. Stevens to the Board. Mrs. Stevens was appointed to her first term ending on June 30, 2026. Mrs. Stevens is filling a partial term, succeeding Mr. Bhajan Saluja whose final term expired on June 30, 2021. Ms. Rosier also congratulated Ms. Stevens for making history by being the first female Board member in the 102 years of the Board’s existence.

Ms. Rosier reported on current beta testing for the COA online renewal system. Additionally, Ms. Rosier discussed the 2024–2025 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 no later than Monday, November 27, 2023.

Ms. Rosier reported that the required 2023 Annual Licensing Board Seminar conducted by the WV State Auditor will be held on Thursday, November 2nd in Charleston. Ms. Rosier, Mrs. Rubenstein, and Counsel Eagloski are scheduled to participate. Ms. Rosier reminded all Board members of the requirement to attend at least one time during each appointed term and asked them to check their calendars and let her know within the next week if they can attend so she can pay the required registration fees before the deadline.

Ms. Rosier reported that she received notification in mid-August of an upcoming Purchasing Inspection and Review by the WV Purchasing Division to:

- 1) Determine whether commodities delivered or services performed conform to contractual requirements; and
- 2) Review and audit spending unit requests and purchases and other transactions and performance that fall under their authority.

Ms. Rosier was pleased to report that the inspection has been completed and she received official notification of no material findings.

Ms. Rosier updated the Board with her most recent communication with a representative at WV State University regarding their interest and progress in seeking ABET-accreditation for their civil engineering program and their faculty licensure status.

The Board was presented with the most recent issue of the Professional Licensing Report (PLR) and encouraged the Board members to review the articles as their time permits.

The Board was presented with a draft version of the Fall 2023 InterChange newsletter publication. Ms. Rosier requested final proofing comments be submitted no later than Monday, October 2nd, so she can work with the newsletter editor to finalize the content. The annual newsletter is scheduled to be printed in October and disseminated in late November. As usual, copies will be mailed to all firms with an active COA as an enclosure with their COA renewal notifications, followed by individual copies being subsequently disseminated to all licensed PEs and Retired PEs as well.

Ms. Rosier reported she is unaware of any recent progress made on revisions to the WV Code Officials handbook, but has noted the WV State Fire Marshal's interest in being involved as a stakeholder and joining with both our Board and the WV Architects Board to develop a plan to address a number of issues they are experiencing.

Upon motion by Dr. Nottingham, seconded by Mr. Robinson, the Board voted to adjourn the meeting at 3:55pm. The next Board meeting will be November 14, 2023, 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