

General Session Minutes
State Board of Registration for Professional Engineers
September 15, 2021

The West Virginia State Board of Registration for Professional Engineers met at their office in Charleston on Wednesday, September 15, 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 9:02am. Mr. Robinson participated remotely via teleconference. Mr. Gates participated initially by teleconference, and appeared in person at 9:50am. The Board meeting minutes for the Joint Board meeting with the WV Virginia Board of Architects held on July 14, 2021 were reviewed. A motion to approve the minutes was made by Dr. Nottingham, seconded by Mr. Saluja. Motion carried. The Board meeting minutes for the July 20, 2021 meeting were reviewed. A motion to approve the minutes was made by Dr. Nottingham, seconded by Mr. Saluja. Motion carried.

The Board budget summaries for July and August 2021 were received and reviewed, and the Board reviewed the Pcard transactions for the months of July and August. Ms. Rosier reported a \$1.46M balance for the end of August 2021. Ms. Rosier discussed the FY2022 budget report, noting anticipation of lower COA-related revenue in FY 2022 than during recent years due to full implementation of the 2020 legislative rule changes reducing the COA renewal and reinstatement fees.

In addition, Ms. Rosier discussed the FY2023 Appropriations Request submission, noting the agency request contained the exact budget figures as presented for the FY2022 Expenditure Schedule submission and approved by the Board at its May 2021 Board meeting.

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

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

- Ms. Rosier reported that a total of 61 examinees registered with NCEES as WV applicants for the October 2021 Civil PE exam. She reported this will be the last paper-and-pencil administration with the exception of the Structural PE exams.

- Ms. Rosier reported that she and Sue Rubenstein participated in the annual WV Agency Purchasing Conference, as well as the required State Purchasing Card Coordinators Seminar.
- Ms. Rosier reported she participated virtually in all 3 of the 2021 NCEES Annual Meeting Forums (Engineers, Surveyors, Member Board Administrators).
- Ms. Rosier reported that both she and President Thomas participated in the virtual NCEES State of the Council Meeting last week to discuss items removed from the consent agenda and to test the virtual voting platforms.
- Ms. Rosier reported that the 2021 NCEES Annual Meeting previously scheduled to take place in New Orleans, Louisiana, will take place virtually beginning at 12:00pm. All Board members and staff present are signed up to participate from the Board's conference room.
- Ms. Rosier reported that the required 2021 Annual Licensing Board Seminar conducted by the WV State Auditor will be held on Tuesday, October 26th. The Board President, Ms. Rosier, Ms. Rubenstein, and Board Counsel are scheduled to participate and all other Board members were encouraged to check their calendars and plan to attend if possible.
- Ms. Rosier shared receipt of two invitations for face-to-face Board presentations at Marshall University, one is scheduled for October 22nd and the other is TBD. In addition, last week, President Thomas indicated that he held a presentation on the WVU-Beckley campus relating to the importance of PE licensure, and the methodology to achieve this goal through education, work experience and examination.

A motion was made by Dr. Nottingham, seconded by Mr. Saluja, 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.

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 discussed her virtual participation in all 3 of the 2021 NCEES Annual Meeting Forums (Engineers, Surveyors, Member Board Administrators) which took place over 3 days in late July 2021. President Thomas also updated the Board with his participation in the Engineers Forum as well. Ms. Rosier, Ms. Rubenstein and Mr. Armstrong also participated in the Professional Development Workshop offered by NCEES. NCEES indicated the forums and professional development session recordings would be available for Board member and staff review via the NCEES website.

Ms. Rosier reported that with NCEES's COVID social distancing guidelines, there will be two Charleston, WV test administration sites on Thursday, October 21st, for this last paper-and-pencil Civil PE exam. The second site was added by NCEES at the request of the WV PE Board after receiving multiple calls that WV-based applicants were unable to register and would be required to drive great distances to out-of-state sites. To assist in the logistics of this second site, Ms. Rosier and Ms. Rubenstein volunteered to serve

as site proctors at the added site. Ms. Rosier and Ms. Rubenstein will also be required to participate in an NCEES Proctor Training refresher later this month.

The Board reviewed the updated CBT PE exam transition schedule noting 2022 will have all PE exams being delivered via CBT with the exception of the 16-hour Structural Engineering exam in paper-and-pencil format. The Structural Engineering exams are on schedule to move to CBT no later than 2024.

Ms. Rosier reported that the WV Legislature recently completed an interim session. She also noted that ARPL and NCEES representatives, along with other WV Board staff, are currently planning a fall meeting in preparation for the 2022 WV Legislative Session.

Ms. Rosier reported that one of the three scheduled ABET visits for the Fall of 2021 had been cancelled. President Thomas and Mr. Saluja reported that on-campus visits are still suspended and the ABET reviews will be conducted virtually. Both Board members have been contacted by their team chairs and will proceed accordingly.

Ms. Rosier reported she had received questions regarding registration needs of engineering faculty on both the WVU and WVU-Tech campuses. Ms. Rosier contacted the Board President, as he is a former faculty member at WVU-Tech campus, who in turn contacted the faculty members to discuss their questions. President Thomas requested Counsel to review the current NCEES Model Law and WV Engineering Law regarding teaching of engineering courses prior to the next meeting.

Ms. Rosier discussed the staff efforts to date in preparing for the biennial Certificate of Authorization (COA) renewal. All current COAs are set to expire on December 31, 2021 and will be required to be renewed. All COAs processed and activated on October 1 and after will expire on December 31, 2023.

The Board reviewed the Purchasing Division request to conduct their scheduled review. Ms. Rosier reported she and Ms. Rubenstein had provided the Purchasing staff with the requested documentation on July 22nd and also answered subsequent follow-up questions in August.

The Board reviewed the most recent Professional Licensing Report (PLR).

Ms. Rosier updated the Board on the agency's joint press release disseminated in late July 2021, in cooperation with the WV Architects Board, commemorating the centennial celebration of 100 years of service to the state and highlighting the following dates:

- On July 27, 2021, the WV State Board of Registration for Professional Engineers celebrated their 100th Anniversary of existence. Per WV Legislative Act effective July 27, 1921, under Governor Ephraim Franklin Morgan, the WV PE Board was formed.
- On November 21, 2021, the WV State Board of Registration for Professional Engineers celebrates the 100th Anniversary of their first meeting. The WV PE

Board first convened an official meeting on November 21, 1921 at 10am in the Coyle and Richardson Building, Charleston, WV.

Ms. Rosier also incorporated this press release, as well as a cover page reference to this milestone, in the Fall 2021 InterChange newsletter publication. The Board's website has also been updated to include a number of scrolling page headers to memorialize the occasion and serve as recognition of this momentous year.

The Board was presented with a draft version of the Fall 2021 InterChange newsletter publication. Ms. Rosier requested all staff and Board members submit final proofing comments no later than Friday, September 20th. The newsletter is scheduled to be printed in October and disseminated in late November. A copy of the newsletter will be sent to all licensed firms as an enclosure within their COA renewal notification mailings, followed by individual copies to be disseminated to all Active and Retired PEs via a subsequent mailing.

Prior to entering into Executive Session, the Board Counsel provided the details of the resolution of complaints C2021-11, C2021-17, and C2022-02. The consent orders will be posted on the Board's website within a reasonable timeframe.

Mr. Robinson made a motion to enter into Executive Session at 10:30am, seconded by Mr. Saluja. Motion carried.

Dr. Nottingham excused himself and left the board room as to not be part of any discussion or decision making regarding C2021-20.

At 12:00pm, Dr. Nottingham made a motion, seconded by Mr. Robinson, to move into General Session. The motion carried. At that time, the Board had a working lunch while logging in to officially join the 2021 NCEES Annual Meeting virtually. Mr. Robinson left the teleconference at that time.

The NCEES Meeting recessed shortly after 1:00pm. At 1:08pm, Mr. Robinson rejoined the meeting by teleconference, and he made a motion, seconded by Mr. Gates to re-enter Executive Session. The motion carried.

At 1:25pm, Mr. Eagloski was excused and absented himself from the Executive session while the Board met with the Executive Director to discuss personnel matters, including the resignation of the Board Investigator. Thereafter, Ms. Rosier excused and absented herself from the Executive Session. Ms. Rosier was called back before the Board for further discussion. Thereafter, Mr. Eagloski was invited back before the Board.

At 1:40pm, Dr. Nottingham made a motion, seconded by Mr. Robinson, to move into General Session. The motion carried, and the Board took the following action:

- Mr. Saluja made a motion, seconded by Mr. Robinson to dismiss C2022-01. Motion Carried.

- Dr. Nottingham made a motion, seconded by Mr. Gates to move I2022-05 to complaint. Motion carried. Furthermore, Dr. Nottingham made a motion, seconded by Mr. Gates, to receive and file complaint C2022-06, and set said complaint for a hearing on 3/15/2022. Motion carried.
- Mr. Gates made a motion, seconded by Dr. Nottingham, to move I2022-06 to complaint. Motion carried. Furthermore, Mr. Gates made a motion, seconded by Dr. Nottingham, to receive and file complaint C2022-07, and set said complaint for a hearing on 3/15/2022. Motion carried.
- Mr. Saluja made a motion, seconded by Mr. Gates, to dismiss C2021-20. Motion carried.
- Mr. Robinson made a motion, seconded by Dr. Nottingham, to dismiss C2022-04. Motion carried.
- Mr. Saluja made a motion, seconded by Mr. Gates, to receive and file complaint C2022-05, and set said complaint for hearing on 1/18/2022.

The Board acted upon the special case files as follows:

- Dr. Nottingham made a motion, seconded by Mr. Saluja, to approve the PE comity application for Jeremy R. Fry. Motion carried.
- Dr. Nottingham made a motion, seconded by Mr. Saluja, to approve the PE comity application for Peter R. Seckinger. Motion carried.
- Mr. Saluja made a motion, seconded by Mr. Gates, to approve the DBA Waiver application for Whelen Engineering Company. Motion carried.

The Board reviewed personnel matters related to the resignation of the Board Investigator, the employment of his replacement and the distribution of his responsibilities and duties among Board Staff and Counsel. The Board acted upon personnel matters as follows:

- Dr. Nottingham made a motion to approve the 5% merit increase for Ms. Coleman, effective September 25, 2021. Mr. Saluja seconded, and the motion carried.
- Mr. Robinson made a motion to authorize the Executive Director to extend an offer of full-time employment with a specified salary to the Board's Counsel effective September 25, 2021. Mr. Gates seconded, and the motion carried.
- The Board Investigator position will remain vacant, until such time as the Board determines the needs of that position to be filled.

Thereafter, Mr. Robinson and Board Counsel exited the meeting. The remaining Board Members and Ms. Rosier continued their participation in the virtual 2021 NCEES Annual meeting throughout the afternoon.

At the conclusion of the 2021 NCEES Annual Meeting and the Board's virtual participation, a motion was made by Dr. Nottingham, seconded by Mr. Gates, and the Board voted to adjourn the meeting at 3:45pm. The next Board meeting will be November

16, 2021, 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**