

General Session Minutes
State Board of Registration for Professional Engineers
July 19, 2016

The West Virginia State Board of Registration for Professional Engineers met at their office in Charleston on Tuesday, July 19, 2016. Those present for all or part of the meeting were:

Edward L. Robinson	President
Richard E. Plymale	Vice-President
Bhajan S. Saluja	Secretary
Garth E. Thomas	Member
L.A. Gates	Member
Lesley L. Rosier-Tabor	Executive Director
Aaron M. Armstrong	Board Investigator
Debra L. Hamilton	Legal Counsel

The meeting was called to order at 9:00 AM. President Robinson introduced and welcomed new Board members Garth Thomas and L.A. Gates.

The Board meeting minutes for May 17, 2016 and May 31, 2016 were reviewed. A motion to approve the minutes was made by Mr. Plymale, seconded by Mr. Saluja. Motion carried. Mr. Thomas and Mr. Gates recused themselves from this vote.

The Board budget summaries for May and June 2016 were received and reviewed. For benefit of the new Board members, Ms. Rosier discussed the budget report in detail, explaining the full fiscal year budget cycle, and presented the Board with a 14-year revenue/expenditure comparison. Ms. Rosier also reviewed the Board's historical year end balances for the benefit of the new Board members and noted that the past 8 year-end balances have been very consistent and within only a +/- 10% variance. Ms. Rosier noted that this meeting's budget report closes out the end of FY 2016 and the budget report presented during the next Board meeting will begin FY 2017 and will include only July and August 2016. The Board also reviewed the details of all PCard transactions and the FY2017 WV OASIS Expenditure Schedule submissions. Ms. Rosier addressed all Board member questions.

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

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

- Ms. Rosier reported that since the inception of FE CBT there have been 529 individuals signed up to take online exam in WV, with 453 unique ID's; the difference (76) represents repeat takers.

- Ms. Rosier discussed the results of the April 2016 PE exam, noting that WV had a 50% overall pass rate. Of the 65 exams that were ordered, 3 were absent, 16 first-time takers passed and 15 repeat takers passed.
- For the benefit of the new Board members, Ms. Rosier discussed the PE exam Board interview process and noted, as of the meeting date, no interviews have been scheduled for the upcoming October 2016 exam administration.
- Ms. Rosier discussed upcoming presentations and meetings, as well as the on-going projects.
 - The final stages of the ongoing Cloud-Based Licensing project include online applications.
 - The Board's assistance with the WV Landscape Architects Board offered as a result of their PERD audit is complete.
- Ms. Rosier reported that a rough draft of the newsletter will be presented during the next Board meeting.

A motion was made by Mr. Saluja, seconded by Mr. Thomas, 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 2016 calendar. Motion carried.

Mr. Plymale made a motion to enter into Executive Session at 9:40 AM, seconded by Mr. Gates. Motion carried.

The Board President reported the resolution of the following complaints: C2016-19, C2016-20, and C2016-21. The consent orders will be posted on the Board's website within a reasonable time.

The Board recessed for lunch at 12:05 PM and resumed Executive Session at 12:55 PM. At the conclusion of the Executive Session, Mr. Plymale moved to enter into General Session at 2:25 PM with a second by Mr. Thomas. Motion carried, and the Board took the following action:

- Mr. Saluja made a motion, seconded by Mr. Gates, to initiate a second complaint related to C2016-18 with time of service at the staff's discretion. Motion carried.
- Mr. Saluja made a motion to dismiss C2016-23. Mr. Plymale seconded the motion, and the motion carried.
- Mr. Gates made a motion, seconded by Mr. Thomas, to amend C2016-25 to dismiss the original individual named in the complaint and name the current EIRC of Respondent Firm as an individual Respondent. Motion carried.
- Mr. Thomas made a motion, seconded by Mr. Plymale, to move I2016-26 to complaint. Motion carried.
- Mr. Thomas made a motion, seconded by Mr. Saluja, to move I2016-28 to complaint. Motion carried.
- Mr. Saluja made a motion, seconded by Mr. Thomas, to move I2016-29 to complaint. Motion carried.

- Mr. Gates made a motion, seconded by Mr. Thomas, to move I2017-01 to complaint. Motion carried.
- Mr. Thomas made a motion, seconded by Mr. Saluja, to move I2017-02 to complaint. Motion carried.

Based on a motion by Mr. Plymale, seconded by Mr. Thomas, the Board took the following action on Special Cases for Board Action:

- Cory Gibb's request for comity was approved.
- Carlos Valenzuela's request for comity was stayed pending receipt and review of additional information which has been requested.

Ms. Rosier reported that all Board members except for Mr. Saluja, along with 2 staff and Board counsel, have been registered for the NCEES annual meeting. Mr. Gates and Mr. Thomas will be attending as first time attendees and will be funded by the Council.

Ms. Rosier discussed the NCEES annual meeting agenda, consent agenda, and mentioned that all of the NCEES officer elections were unopposed. She also provided information on all of the motions and gave an in-depth summary of the NE Zone motion relating to the PE automatic attestation issue.

The Board discussed nominating former Board member Leonard "Joe" Timms and William Pierson as Emeritus members of NCEES. Upon motion by Mr. Thomas, seconded by Mr. Gates, the Board voted unanimously to nominate these former Board members and directed the Executive Director to submit the nominations to NCEES.

For the benefit of the new Board members, Ms. Rosier provided the Board with NCEES PE exam information, including an explanation of the opportunity to participate as an observer at an upcoming exam administration.

Ms. Rosier informed the Board that the final legislative rules were being filed that day, July 19th, and that with this filing the Board will be able to produce new and updated WV Engineering Law booklets in the upcoming months.

The Board reviewed staff's work and most recent correspondence with the WV Landscape Architects Board and commended the staff on a job well done. As previously noted, the Board's assistance with the WV Landscape Architects Board is complete.

Ms. Rosier discussed the new Board member orientation session provided to the new Board members on June 23, 2016, noting Mr. Armstrong was instrumental in developing the quality presentation and supporting materials.

The Board reviewed the required BRIM Loss Control Questionnaire and conducted their annual Safety Committee meeting in accordance with BRIM's Standards of Participation letter dated May 25, 2016. In addition, the Board provided staff with their signed confidentiality statements for inclusion in the BRIM submission.

The Board was provided and reviewed a copy of correspondence from the WVDOH to the American Council of Engineering Companies of WV, as well as the joint response signed by 17 industry association leaders in WV which had been copied to several government officials (but not the Board). It involved WVDOH employee interaction with industry representatives and forwarded to the Board for informational purposes.

Ms. Rosier discussed the ongoing COA questionnaire project and noted staff is still working on clarifying approximately 100 responses. To date, over \$100,000 of additional 2015 COA renewal fees have been collected based on the findings of inaccurate reporting of the number of PEs and employees of firms with active COAs.

Ms. Rosier updated the Board on the new capability for registrants to provide continuing education year-round data entry. The system will launch in the next few weeks, and a mass email will be sent to our 8500+ active PE licensees announcing its availability for immediate use.

Upon review of the upcoming calendar of events and due to Board member conflicts, the Board moved their September 2016 meeting to September 12th and the November 2016 meeting to November 2nd. Ms. Rosier was directed to provide these updates to the WV Secretary of State's Office for open meeting purposes.

Upon motion by Mr. Plymale, seconded by Mr. Saluja, the Board meeting adjourned at 3:35 PM. The next Board meeting will be September 12th in Charleston. The Board members will be compensated one day per diem plus travel expenses.

Edward L. Robinson, P.E.
Board President

Richard E. Plymale, P.E.
Vice-President