

INTERChange

Informing Professional Engineers of developments that influence their honored profession

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Garth E. Thomas, Jr., PE Board Vice President Charleston, WV

Dr. Larry Nottingham, PE Board Secretary Charleston, WV

Edward L. Robinson, PE, PS Cross Lanes, WV

> L.A. Gates, PE Beckley, WV



West Virginia State Board of Registration for Professional Engineers

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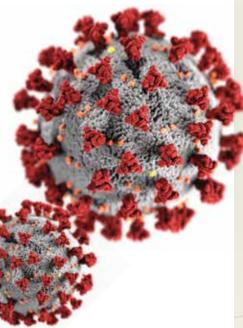
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LESLEY L. ROSIER-TABOR, PE, EXECUTIVE DIRECTOR

"It is my hope that 2020 led us to become more innovative problem solvers than ever before. It is my hope that 2020 allowed many of you to put less miles on your cars and spend that extra commuting time with your family. It is my hope that you were given the time to put a pause on some parts of life and maybe rethink your business model, or engineer a better future for you, your career, your family. Whatever it may be, I trust that 2020 has challenged our engineering community to rethink, adapt, and reengineer our future despite the pandemic."



2020...What a year!

I have to admit that when ringing in the 2020 New Year, I was already feeling some anxiety, but in a good and positive way. Maybe it's better described as excitement. I knew 2020 would be a year of experiences like no other. I was already anticipating it. My husband and I had made a last-minute decision, just a few days after Christmas 2019, to attend a wedding of a dear friend over 8000 miles away. So, with 72 hours before we had to be in the air to make the event, we booked our tickets and packed our bags! I was excited, yet anxious, but all in! This unplanned trip signified a belated honeymoon for us. Super belated, like 16 years belated. The day after our backyard wedding in 2004, he traveled to Florida for a week of consultant training and I attended required procurement training for the Board in central West Virginia.

This spur-of-the-moment trip was a perfect way to bid farewell to 2019. Aboard a 747, about 30,000 feet in the air, we rang in the new year in the most unusual way. Honestly, we would have slept right through it (which would not be the unusual part for us) but for the fact the airline staff woke the entire plane to let us know we were crossing the international dateline and celebrating midnight earlier than we anticipated! They were prepared with music, noisemakers, champagne and party hats to help kick off what would turn out to be a year to remember!

On a personal level, 2020 was to be the year to surprise my parents with an over-the-top 50th wedding anniversary trip we had been saving for, 2020 was the year my daughter's all-female robotics team won the state championship and would be traveling to compete in the World Robotics competition, 2020 was our year to say "au revoir" to middle school and "bonjour" to high school for our only child, 2020 was our year for family weddings, 50th and 70th birthday celebrations, anticipated piano recitals, family vacations, summer camps with cousins, and the list goes on.

On a professional level, 2020 started out on a great note as the WV Legislature passed a bill to implement several Board requested changes in WV Engineering Law. As described in the 2019 edition of this Interchange publication, the Board sought and received rule changes to (1) "decouple" the PE exam from engineering experience allowing candidates greater flexibility of when to sit for the PE exam, (2) to lower several fees, including a number of COA renewal, application, and reinstatement fees and (3) implement fee waivers for military families and low-income applicants.

On the national scene, 2020 marked a monumental milestone for the National Council of Examiners for Engineering and Surveying (NCEES) with plans for the centennial celebration of NCEES's first organization meeting. In November 1920, 100 years ago, seven engineering Boards met in Chicago to lay the foundation for our future. These jurisdictions discussed the need for interstate registration, a uniform basis of exam, and how to facilitate engineering licensure to protect health, safety and welfare of the public in a more meaningful way than ever before.

And then BOOM! The middle of March 2020 hit and the world seemed to come to a screeching halt. COVID-19 was here. Life got turned upside down in a matter of days. School was canceled, travel put on hold, large celebratory gatherings forbidden, churches and businesses closed, work schedules altered, NCEES meetings and even FE and PE exams were canceled. The last 8 months of life have been like no other. We had to learn to adapt and do so quickly.

I am a pretty strong person by nature. I am also pretty easy going and try not to let things bother me. But golly ... we have been overloaded with information from government officials, news outlets, social media and more. The data has been conflicting, controversial, political and downright depressing most of the time. And yet we as a human race are resilient and learned to adapt the best way we know how, both in our personal lives and our professional careers. However, with crisis comes recovery and unique opportunity. It is my hope that each and every reader will look back on 2020 as the year when your families became closer and your businesses made positive changes. It is my hope that 2020 was the year when our engineering skills were put to work in a more meaningful way than ever before. It is my hope that 2020 was the year we became more innovative problem solvers than ever imagined. It is my hope that 2020 was the year you put less miles on your car and spent that commuting time with your family. It is my hope that 2020 was the year that allowed you to put a pause on some parts of life and maybe rethink your business model, your career goals, your family needs. Whatever it may be, I trust that 2020 has challenged us all to rethink, adapt, and re-engineer our future.



Left to right in photo:

Mr. Bhajan SalujaBoard President
Term expires June 30, 2021

Mr. L.A. Gates, PEBoard Member
Term expired June 30, 2020

Dr. Larry Nottingham, PEBoard Secretary
Term expires June 30, 2022

Mr. Edward Robinson, PE Board Member Term expired June 30, 2019

Mr. Garth Thomas, PE Board Vice-President Term expires June 30, 2023

Board Updates

SO WHAT'S THE SCOOP ON BOARD APPOINTMENTS?

Since our last INTERchange edition published in late 2019, the composition of the West Virginia State Board of Registration for Professional Engineers has not changed. From time to time, Board staff will receive an inquiry regarding Board members who appear to be serving on expired terms. This, in fact, is the case for two of our current Board members as one can see by reviewing their term expiration dates above. When such an inquiry is received, Board staff direct the individual to WV Engineering Law, and specifically covered in §30-13-4 which states "Each member shall hold office until the expiration of the term for which appointed or until a successor has been duly appointed and has qualified". One of the two Board members currently serving on an expired term is eligible for reappointment, while the other will be required to be replaced due to meeting term limits.

A quick synopsis of key citations regarding Board appointments and terms, composition and qualifications, as well as compensation is covered below:

W.Va. Code §30-13-4

Composition is 5 members appointed by the governor, by and with the consent of the Senate.

The term is 5 years and eligible for reappointment with a maximum of 3 full consecutive terms.

Members hold office until their term expires or until a successor has been appointed and qualified.

Vacancies due to resignation, death or other causes resulting in an unexpired term, if not filled within three months by the governor, may be filled by the Board appointing a member until the governor makes the appointment.

W.Va. Code §30-13-5

Board qualifications include (1) being a citizen of the United States, (2) a resident of West Virginia, (3) engaged in the practice of engineering as a professional engineer for at least 12 years, (4) been in responsible charge of engineering projects for at least 5 years, and (5) a registered PE in West Virginia.

W.Va. Code §30-13-6

Each member of the board shall receive compensation for time spent, and reimbursement for reasonable and necessary expenses incurred, while engaging in official duties not to exceed the amount paid to members of the Legislature for their interim duties. (Current per diem is \$150 per day while carrying out official Board duties.)

W.Va. Code §30-13-7

The governor may remove any Board member for misconduct, incompetency, neglect of duty or for any reason prescribed by law for removal of state officials. Board vacancies will be filled for the remainder of the unexpired term.

W.Va. Code §30-13-8

The Board is required to hold at least one regular meeting each year. Each year the board shall elect the following officers: A president, a vice president and a secretary, who shall serve at the will and pleasure of the board. A quorum of the board shall consist of not less than three professional engineer members. (During the last 2 decades, the WV PE Board has strived to hold a minimum of 6 bi-monthly meetings a year, with election of officers taking place at their July Board meetings).

2020-2021 BOARD LEADERSHIP ELECTION RESULTS

During the July 28, 2020 Board meeting, the WV PE Board held officer elections for the upcoming fiscal year, FY2021. Upon unanimous vote, the current officer slate remained unchanged:

- Mr. Bhajan Saluja, PE Board President
- Mr. Garth Thomas, PE Board Vice-President
- Dr. Larry Nottingham, PE Board Secretary



A Unique Perspective on Enforcement

INVESTIGATOR'S CORNER

AARON ARMSTRONG, PE, BOARD INVESTIGATOR

"It is the EI's or PE's responsibility to notify the Board within thirty days of any change in information previously submitted to the Board, such as name change, change of address, change of employer, or similar matter requiring current information."

Moving into a new decade has brought along many, many changes worldwide. Needless to say, 2020 has been a year to remember and I hope all of our registrants and their loved ones have persevered and continue to stay safe and healthy. As for the WV PE Board, we continue to see an increase in the number of registrants, firms, and the number of formal complaints. FY 2020 saw the largest number of formal complaints in the Board's history, with a majority of them being split between the issues of unlicensed practice and not disclosing previous disciplinary actions properly.

As the Executive Director has detailed in this issue, the Board promulgated new Legislative Rules covering a plethora of new topics. I point your attention to W. Va. Code R. §7-1-6.5 entitled Updated Information, which states, "It is the El's or PE's responsibility to notify the Board within thirty days of any change in information previously submitted to the Board, such as name change, change of address, change of employer, or similar matter requiring current information." This rule was added to fall in line with an existing and similar rule concerning firms which can be found in W. Va. Code R. §7-1-11.9, and both rules conform to NCEES Model Law and Rules.

The new rule is incorporated to emphasize the importance of a registrant keeping his or her Board records updated. It is the responsibility of the registrant and/or firm to notify the Board of changes requiring current information. This can be accomplished simply by logging on to the Board's website: https://services.wvpebd.org/pe/changeAddress. Additionally, a registrant and firm must inform the Board of any disciplinary action (taken by any jurisdiction) and any investigation/conviction matter. At a minimum, this information must be reported upon initial licensure and renewal. It is imperative that you always read and understand the online renewals so that the disclosure questions are accurately answered.



A Unique Perspective on Enforcement

As registrants are surely aware, the Board has investigative, enforcement, and disciplinary power as delineated in West Virginia State Code Chapter 30, Article 13. The Board maintains an active enforcement program to enforce this code and to assist in the Board's overall mission to protect the public's health, safety, and welfare. In addition to the disciplinary actions reported on **page 8** of this newsletter, the next few paragraphs will describe a creative, alternative approach to discipline.

C2017-17 involved an engineer who pled guilty to one felony count of Conspiracy to Launder Monetary Instruments in violation of Title 18, United States Code Sections 1956(a)(1)(B)(i) and 1956(h) related to a pay-to-play scheme within the West Virginia Department of Highways (WVDOH). As a result of the criminal conviction and a detailed investigation involving many state and federal agencies, the Board filed an administrative complaint in accordance with WV State Code 30-13-22.

The Board settled C2017-17 via consent order, issuing disciplinary actions that included a \$15,000 civil penalty, \$1,500 administrative costs, a 3-year license revocation, and required the respondent to take a Board-approved 30-hour course in professional ethics. The respondent remained in good standing with the Board's order, but requested leniency in the payment of the civil penalties.

The Board found a repentant respondent who obviously wanted to comply with the consent order and remain in good standing so that he may apply for reinstatement of his revoked license. Because there were no health and safety issues involved in this case, the Board agreed to a unique approach and offered the respondent a partial credit in paying the civil penalties. The Board decided to offer the individual the opportunity to participate in Board ethics presentations in lieu of paying the entire civil penalty. This option not only assisted the engineer but also provided a unique educational training tool to bring to West Virginia engineering college and university classrooms.

To reduce the amount of civil penalties, the engineer agreed to participate in five Board-sponsored ethics presentations conducted at each of the five college engineering programs within the state. Each presentation would deduct \$1,000 from the civil penalty owed. The engineer presented from talking points approved by the Board, accompanied by a PowerPoint presentation where he highlighted the specifics of his case, the details of his signed consent order as well as the applicable WV Engineering Laws and Rules. He admitted what he did was wrong and explained why, answered questions candidly, and made a lasting impression on the students as well as the professors. He talked about the ramifications of losing his license for 3 years and how the unfortunate events affected his livelihood, family, and personal life.

As it turned out, one university asked that he come back the following semester to provide the presentation again to a different class of students. The engineer readily accepted the invitation even though the agreement only required his participation in five presentations, so the Board offered another \$1,000 credit to his civil penalties. He has since said that this endeavor helped him deal mentally with the situation he found himself in and was pleased with the opportunity to participate. In the end, the engineer was required to pay \$9,000 of the original \$15,000 civil penalty, in addition to traveling to West Virginia University, Marshall University, Fairmont State, Bluefield State and WVU-Tech (2x) to address more than 300 students, faculty, staff and administrators.

Should you ever get an opportunity like this, ask yourself what are you looking for punitive or corrective action? The Board often looks to the instructive points that can be made through its disciplinary actions. However, to actually utilize teaching in lieu of a civil penalty as the disciplinary action itself turned a serious ethics violation into a positive experience for many in our West Virginia engineering community.





Confession is Good for One's Soul ... With an Alternative Penance

COUNSEL'S COLUMN

N. EDWARD EAGLOSKI, II, BOARD COUNSEL

The author, N. Edward Eagloski, is the Board's legal counsel.
The reader should not take this article as legal advice, but as a background on completing the WV PE renewal application. If the reader requires legal advice or instruction, the reader should seek independent counsel for legal advice.

As we near the end of a very callous year at the hand of the Covid-19 virus, a cultural, life-style changer, donning masks, social distancing, and working from one's home, the time is upon us to prepare for the biennial renewal of our West Virginia PE registrations. For some, it is also a time to take a deep breath, reflect, and prepare to confess. Remember that Confession is Good for One's Soul.

Last year, I prompted the reader to "Know the Rules," of West Virginia Engineering Law as firms proceeded with their renewal of their Certificates of Authorization. However, as Mr. Armstrong notes in his article at page 4, the number of complaints handled by the Board increased over the previous year. About one-third of these complaints dealt with the firms' failure to disclose that the firm was disciplined in another jurisdiction. I believe that had these firms confessed (disclosed) these disciplinary actions, the Board would likely not have taken any additional action. The Board's disciplinary actions were not based on the firms' original acts, but on their failure to report the other boards' disciplinary actions. The failure to disclose this information can be a violation of West Virginia Engineering Law.

So, what lessons can the PE renewal applicant learn from the failing of these firms. First, one should understand that silence (non-reporting) is what got the firms into trouble. The West Virginia PE Board is a member of the National Council of Examiners for Engineering and Surveying (NCEES). The Board reports its disciplinary actions to the NCEES, which they place in a propriety database. This database is used by NCEES member boards to maintain and exchange information on their registrants, including information on those it disciplined. So, with this one-stop NCEES shop, the Board discovered the non-disclosed misconduct by these aforementioned disciplined firms. All because they were silent. Second, these board disciplinary actions have been made public. The Board publishes its closed disciplinary actions on its website. https://wvpebd.org/West-Virginia-Engineering-Law/Enforcement-Disciplinary-Actions. Other boards also publish their actions on their websites and/or in their newsletters.

PE renewal applicants will be asked:

Since your last WV PE renewal (or if this is your first WV PE renewal since your initial PE application was submitted) have you been subject to any disciplinary action or any investigation by any local, state, or national regulatory board (including those in WV), or have you been convicted of a felony or a misdemeanor (excluding minor traffic violations)?

Clearly, a PE renewal applicant should report any investigatory/disciplinary action he/she has experienced since his/her last PE renewal (and for first timers, since the date they submitted their initial PE application). In addition, the PE renewal applicant should disclose, for the same time periods stated above, any felony or misdemeanor (excluding minor traffic violations) conviction. When self-reporting, one should upload a copy of the investigatory/disciplinary action through the Board's website renewal portal.

As a PE renewal applicant, you will also have to disclose other information such as Professional Development Hours (PDHs). You are to have completed thirty (30) hours since your last renewal. All WV PEs renewing for the first time do not have to report any hours unless they wish to bank earned PDHs for their next renewal period. The maximum carryover is 15 PDHs. If a PE renewal applicant has not earned a total of thirty PDHs, including any immediate past carryovers, then they will not be able to renew their license, unless one of the exemptions set forth in the legislative rule W.Va. Code R. §7-1-10.9 applies.

Enough? Well, confession is not yet over. You still have two more questions to answer. If you have an active child support obligation, you have to acknowledge the same. Furthermore, you have to disclose if you are in arrears of six (6) months or more, of that obligation, and whether you are the subject of a child support subpoena or warrant. Again, false reporting is a violation of West Virginia engineering law.

Lastly, you have to identify the firm, your employer under whom you offer or perform engineering services for a project in West Virginia. This is done by referencing the firm / employer / sole proprietorship, its/his/her Certificate of Authorization (COA) and the WV Engineer in Responsible Charge (EIRC). It is possible to renew your WV PE registration without being linked to a COA and an EIRC. However, if you do register without a COA and EIRC, you are to state the reason(s) why you are not associated with a COA and EIRC. If you are not associated with a firm or sole proprietor that holds a COA and has an active WV PE as its EIRC, then you are not to offer or provide engineering services for a West Virginia project.

It is important to "Know the Rules," and what is expected of a PE renewal applicant. You have the freedom to inform the Board of any past transgressions; you are free to contact the Board for assistance; you are free to remain silent; and/or you are free to consult with an attorney of your choice for legal advice at your sole expense.

Alternative Penance

Even though you may "Know the Rules," you may find yourself in a disciplinary proceeding, with a finding that you violated West Virginia Engineering Law. If so, there could be hefty civil penalties and/or administrative costs levied against you. The Board Investigator's article discussed the benefits of a public confession. The penitent shared his failures and by doing so, lifted a burden from his shoulders. The students shared the burden and eased the penitent's pain. The students, hopefully, learned a very valuable life-lesson, and will avoid such pitfalls in their lives. So, a public confession, helped the penitent, both personally and economically, while teaching the young (the future of our profession) a life-lesson that, hopefully, none will repeat. However, if one so fails, it will again be time to confess. Be Well and Safe.



Board Disciplinary Actions

Disclaimer: Every effort has been made to ensure that the enforcement information is correct; however this information should not be relied upon without verification from the Board office or website. It should be noted that the names of companies and individuals listed may be similar to the names of parties who have not had enforcement actions taken against them. Should you have any specific questions regarding the disciplinary actions noted below, please contact the Board office. In meeting its mission of safeguarding life, health and property, and to promote the public welfare, the WV Board actively enforces the statutes and rules that fall within its jurisdiction. Below is a summary of formal complaints that resulted in disciplinary action since the 2019 newsletter. Numerous other investigations were conducted, some resulting in formal complaints which are still pending; some dismissed because the charges were unsubstantiated or considered trivial; and some closed after acceptable corrective action or warning.

Disciplinary actions can be either a result of a formal hearing resulting in a Board Order or settled informally resulting in a Consent Order. These orders are public records. If you are interested in knowing more about the nature of the complaint, you may request a copy pursuant to the State's Freedom of Information Act. All Orders are posted on the Board website.

All civil penalties are deposited in the state's general fund. Administrative costs are made payable to the WV PE Board and are retained by the Board to offset costs incurred in the investigation and complaint resolution efforts. Administrative costs may be waived if the complaint is resolved with a minimum of expense.

C2019-24 - TKW Consulting Engineers, Inc. / James T. Lange

Violation: Offering engineering without a Certificate of Authorization. Aided and assisted the unlicensed offer of engineering services without a license. [\$30-13-2,\$30-13-17,\$30-13-21(a)(4),\$30-13-21(a)(8)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 9/24/19.

Case #: C2019-26 - Harold P. McCutcheon

Case #:

Provided false information to the Board. [§30-13-21(a)(4), §30-13-21(a)(12)] Violation: Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 10/5/19.

Case #: C2020-01 - Plump Engineering, Inc.

Violation: Practicing engineering without a Certificate of Authorization.

[§30-13-17,§30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$1500 paid. Case closed 11/26/19.

Case #: C2020-02 - O&S Associates, Inc.

Offering engineering in WV without a Certificate of Authorization. Aiding Violation:

and assisting the offer of engineering services without a license. [§30-13-2, §30-13-17, §30-13-21(a)(4), §30-13-21(a)(8)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 12/18/19.

Case #: C2020-03 - Olds Engineering Consultants, Inc.

Practicing engineering without a Certificate of Authorization. Violation:

[§30-13-17,§30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 11/15/19.

C2020-04 - LMS Construction, Inc. Case #:

Practicing engineering without a Certificate of Authorization. Violation:

[§30-13-17,§30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$750 paid. Case closed 11/26/19.

Case #: C2020-05 - HAL-PE Associates Engineering Services, Inc.

Practicing engineering without a Certificate of Authorization. Violation:

[§30-13-17,§30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 1/21/20.

Case #: C2020-06 - Lighthouse Engineering Consultants, Inc.

Violation: Offering and practicing engineering without a Certificate of Authorization.

[§30-13-17,§30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 1/6/20.

Case #: C2020-07 - Traffic Planning and Design, Inc.

Practicing engineering without a Certificate of Authorization.

[§30-13-17,§30-1<mark>3-21(a)(4)]</mark>

Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 12/16/19.

Case #: C2020-08 - Morley and Associates, Inc.

Violation: Practicing engineering without a Certificate of Authorization.

[§30-13-17,§30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 12/23/19.

C2020-09 - Clearwater Construction, Inc. Case #:

Practicing engineering without a Certificate of Authorization.

[§30-13-17,§30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 12/12/19.

C2020-10 - The K Company, Inc. Case #:

Violation: Practicing engineering without a Certificate of Authorization.

[§30-13-17,§30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 12/12/19.

C2020-12 - Soil & Structure Consulting, Inc. Case #:

Violation: Offering and practicing engineering without a Certificate of Authorization.

[§30-13-17,§30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$3000 paid. Case closed 3/11/20

Case #: C2020-13 - BD Energy Systems LLC

Offering engineering without a Certificate of Authorization. Violation:

[§30-13-17,§30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$250 paid. Case closed 1/21/20.

Case #: C2020-15 - Arete Structures, LLC / Terry S. Ausel

Violation: Aiding and assisting the offer and practicing of engineering without a license. Offering and practicing engineering without a Certificate of

Authorization. Provided false information to the Board. [§30-13-2, §30-13-17, §30-13-21(a)(4), §30-13-21(a)(8), §30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$1,500 pending receipt.

Case #: C2020-16 - Sinclair Pratt Cameron, PC

Violation: Offering and practicing engineering without a Certificate of

Authorization. Provided false information to the Board. [§30-13-17, §30-13-21(a)(4), §30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$1500 paid. Case closed 1/6/20.

Case #: C2020-17 - Wright Water Engineers, Inc.

Violation: Offering and practicing engineering without a Certificate of

Authorization. [§30-13-17, §30-13-21(a)(4)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 6/26/20.

Case #: C2020-18 - Advanced Structural Design, Inc.

Violation: Provided false information to the Board. [§30-13-21(a)(4),

§30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 4/29/20.

Case #: C2020-19 - BranchPattern, Inc.

Violation: Provided false information to the Board. [§30-13-21(a)(4),

§30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 4/13/20.

Case #: C2020-21 - Frazier Industrial Co.

Violation: Offering and practicing engineering without a Certificate of

Authorization. Provided false information to the Board. [§30-13-17, §30-13-21(a)(4), §30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$1,500 paid. Case closed 8/21/20.

Case #: C2020-22 - Connolly Consulting Engineers, PLLC

Violation: Aiding and assisting the offer of engineering services without a license.

[§30-13-2,§30-13-17,§30-13-21(a)(4),§30-13-21(a)(8)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 7/21/20.

Case #: C2020-23 - Marque Engineering, LLC

Violation: Provided false information to the Board. [§30-13-21(a)(4),

§30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 6/26/20.

Case #: C2020-24 - Proficient Engineering, Inc.

Violation: Provided false information to the Board. [§30-13-21(a)(4),

§30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 6/26/20.

Case #: **C2020-25 - TAE, Inc.**

Violation: Provided false information to the Board. [§30-13-21(a)(4),

§30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 7/21/20.

Case #: C2020-26 - Technology Site Planners, Inc.

Violation: Provided false information to the Board. [§30-13-21(a)(4),

§30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 6/26/20.

Case #: C2020-27 - Bennett & Pless, Inc.

Violation: Provided false information to the Board. [§30-13-21(a)(4),

§30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 10/2/20.

Case #: C2020-28 - Brandstetter Carroll, Inc.

Violation: Provided false information to the Board. [§30-13-21(a)(4),

§30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 6/26/20.

Case #: C2020-29 - CTA Inc. DBA: Cushing Terrell

Violation: Provided false information to the Board. [§30-13-21(a)(4),

§30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 7/21/20.

Case #: **C2020-30 - Desman, Inc.**

Violation: Provided false information to the Board. [§30-13-21(a)(4),

§30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 7/21/20.

Case #: **C2020-31 - ARM Group, Inc.**

Violation: Provided false information to the Board. [§30-13-21(a)(4),

§30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 7/21/20.

Case #: C2020-32 - Tri-Tech Associates, Inc.

Violation: Provided false information to the Board. [§30-13-21(a)(4),

Resolution:§30-13-21(a)(12)]

Resolution: Consent Order signed. Civil penalty of \$500 paid. Case closed 8/21/20





The NCEES pages contain an overview of recent news releases received from the National Council of Examiners for Engineering and Surveying (NCEES), as well as NCEES Licensure Exchange articles, concerning items that may be of interest to our engineering community. Some of these articles may have been adapted to fit the space allocated. For more information on any of these updates, or to review the full news releases, simply visit the NCEES website at ncees.org.

National Council of Examiners for Engineering and Surveying

A CENTENNIAL CELEBRATION

The year of 2020 marks an important point in history. Looking back one century ago, the first meeting of the organization now known as the National Council of Examiners for Engineering and Surveying (NCEES) was a productive one. Seven of the ten engineering boards then in existence gathered in Chicago in November 1920 for a



two-day meeting. During this time, they passed motions that allowed for the development of reciprocity between states, they framed a Constitution and Bylaws, and they introduced the subject of developing a model law. That's a lot of work for two days!

At the NCEES meeting in Chicago, on November 8-9, 1920, the following states - Colorado, Florida, Illinois, Iowa, Louisiana, Michigan, and South Dakota - constituted the membership in our association. Other states having laws for the registration of engineers but which were not represented were Idaho, New York, Oregon, Virginia, and Wyoming. During the winter of 1920 and 1921, registration laws were enacted by the legislatures of Arizona, Indiana, Minnesota, North Carolina, New Jersey, Tennessee, and **West Virginia**, bringing the number of states having some sort of a law for the licensing and registration of engineers and/or surveyors up to twenty.

As part of its ongoing centennial celebration, NCEES is featuring important milestones in the organization's history in each 2020 issue of their Licensure Exchange publication. NCEES staff is also designing a 100th anniversary website that will launch this winter to honor the contributions of its members over the years to fulfill its mission. The site will highlight the accomplishments of NCEES over the last century. If you would like to learn more about the development of this organization over the last century, simply visit the NCEES website to read the latest issues of Licensure Exchange, the NCEES publication dedicated to opinions and ideas regarding the licensure of engineers and surveyors.

NCEES HEADQUARTERS RELOCATED TO GREENVILLE, SOUTH CAROLINA

The National Council of Examiners for Engineering and Surveying (NCEES) has relocated its headquarters from Clemson, South Carolina, to 200 Verdae Boulevard, Greenville, South Carolina. The organization's headquarters move coincides with its 100th anniversary.

"NCEES is entering its second century of advancing licensure for engineers and surveyors, and this move will help us better fulfill our mission to safeguard the health, safety, and welfare of the public," explained NCEES Chief Executive Officer David Cox. "The new headquarters will provide a better position for the growth of the organization and allow NCEES to better support its member boards and the professions of engineering and surveying."



NCEES is a national nonprofit organization made up of the engineering and surveying licensing boards from across the United States and its territories. It provides a range of services to support licensure and public protection, including developing the exams used to license professional engineers and surveyors.

The 70,600-square-foot building offers more space and flexibility to expand NCEES services—including Exam Development, Records, Credentials Evaluations, and Client Services—that, in turn, help its member boards carry out their missions.

NCEES brings hundreds of professional engineers and surveyors from across the country each year to its headquarters to assist with exam development. The move is expected to have an annual economic impact of \$1 million for the Greenville tourism and hospitality industry, including local hotels, catering, restaurants, and transportation.

NEW EXAM SPECIFICATIONS & STANDARDS

Details regarding the following new exam specifications and standards are posted on the NCEES website. If you have any questions about these changes or require additional information, please contact NCEES. The 2020-2021 exam changes include:

FALL 2020 EXAM CHANGES AND BEYOND

Due to the unique and unexpected COVID-19 pandemic, NCEES cancelled the April 2020 PE pencil-and-paper administration which impacted thousands of examinees. Examinees who were registered to take an exam during this administration received a full refund of fees paid to NCEES. Affected examinees were notified by email and they were required to reregister if they were interested in taking the exam during the October 2020 administration. The October 2020 PE administration was a two-day event with some exams offered on Thursday, October 22 and some on Friday, October 23. To help ensure the health, safety and welfare of examinees and proctoring teams, NCEES implemented a number of measures to operate in compliance with capacity and social distancing requirements. In most cases, this reduced the number of examinees accommodated at an exam site. Please be aware that every effort will be made to accommodate all registered examinees in a manner that protects the health and safety of everyone involved.

A summary of additional recent and upcoming PE Exam changes is noted below:

- PE Environmental Transitioned to Computer-Based Testing format (CBT) and now available year-round.
- PE Software Engineering Last administration was April 2019 and this PE exam is no longer available.
- PE Control Systems Engineering New specifications starting in October 2019.
- PE Petroleum Transitioned to CBT in October 2019. This will be a single-day testing event once a year.
- PE Fire Protection Last paper administration in October 2019 and transitioned to CBT in October 2020. This will be a single-day testing event once a year.
- PE Mechanical Last paper exam administration in October 2019 and transitioned to CBT in April 2020. This exam will be available year-round.
- PE Industrial and Systems Last paper administration in April 2019 and transitioned to CBT in October 2020. This will be a single-day testing event once a year.
- Fundamentals of Engineering New FE exam specifications started in July 2020.
- Chemical New specifications starting in January 2020.
- PE Electrical and Computer: Power Transitioning to CBT in December 2020. This exam will be available year-round.
- PE Electrical and Computer: Computer Engineering and Electronics, Controls and Communications - Last paper administration in October 2020 and transitioning to CBT in October 2021. These will be single-day testing events once a year.
- Agricultural and Biological Last paper administration in October 2020 and transitioning to CBT in October 2021.
- PE Mining and Mineral Processing Last paper administration in October 2020 and transitioning to CBT in October 2021.

Want to engage with others about the profession? Eager to be the first to know when results are released? Join NCEES on your preferred social network to experience a new level of interaction and learning.



www.facebook.com/NCEES

NCEES' Facebook page is filled with premium content, a rich history of NCEES, and photo albums of recent events. Like NCEES on Facebook, and you'll be able to stay on top of the pertinent issues affecting the engineering and surveying professions.



www.twitter.com/NCEES

If you prefer to quickly scan headlines, follow NCEES on Twitter to learn about its activities and engineering and surveying related news. Retweet NCEES to share important facts and answers to common questions about licensure with your colleagues.



www.linkedin.com

Do you hold a professional engineering or surveying license? Join NCEES' LinkedIn groups (Professionally Licensed Engineering Community and Professionally Licensed Surveying Community) to connect with your professionally licensed peers. You can also broadcast your association with NCEES by following its LinkedIn page.



www.youtube.com/ NCEESMedia

NCEES YouTube channel features videos of professional engineers and professional surveyors promoting the value of licensure. These videos are excellent tools to share with those who want to know more about our organization and the process of becoming licensed. In the near future, NCEES' YouTube will be expanding to include videos that answer their most frequently asked questions, as well as to clarify processes and policies.



Exams Continue the Transition to Computer-Based Testing

NCEES began the process of transitioning exams to computer-based testing (CBT) in 2011. CBT offers many benefits, such as enhanced exam content security and uniformity in testing conditions. For most exams, it provides greater scheduling flexibility. All exams are offered at approved Pearson VUE test centers (visit ncees.org/exams/test-center-locations to view NCEES-approved test centers near you). For more information on registering for a CBT exam, visit the NCEES website to download the Examinee Guide and watch a video series about the exam-day experience.

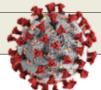
CONVERSION SCHEDULE: NCEES has successfully converted, or is in the process of converting, the following exams to a computer-based format. They are no longer offered in pencil-and-paper format.

YEAR	EXAM A	VAILABILITY
2014	FE exam (all disciplines)	
2017	PS exam	Year round
2018	PE ChemicalPE Nuclear	
2019	PE Petroleum	Single day Year round
2020	PE Fire Protection	Single day Year round Year round Year round
2021	PE Electrical and Computer: Computer EngineeringPE Electrical and Computer: Electronics, Controls, and Communications	

All other NCEES exams are currently in the conversion process and scheduled to launch in computer-based format between now and 2024. They are currently offered in pencil-and-paper format and available once or twice per year depending on the exam.

The following conversion schedule is tentative. Official notification and details related to each exam will be provided 12 months in advance and exam dates will be posted to the NCEES website.

YEAR	EXAM	AVAILABILITY
2021	PE Agricultural and Biological PE Mining and Mineral Processing	
2022	PE Architectural PE Control Systems PE Metallurgical and Materials PE Naval Architecture and Marine PE Civil: Construction PE Civil: Geotechnical PE Civil: Structural PE Civil: Transportation PE Civil: Water Resources and Environmental	Single day Single day Single day Year round Year round Year round Year round
2024	Structural exam (SE)	TBD



Consulting Engineering and COVID-19

CONTRIBUTORS: JAY CANTLEY, PE, PS AND GARY KEATON, PE, BOTH OF L.A. GATES ENGINEERING

Since mid-March 2020, everyone's life has been a bit topsy-turvy due to the pandemic. It is no different for those in the Consulting Engineering industry as they have adjusted to working from home, video conferences and non-stop phone calls, emails and texts. There have been both unexpected benefits from this season but also many problems to overcome. Here is a combination of responses provided from local engineering consultants when quizzed about their COVID experiences.

POSITIVE EXPERIENCES

We are hopeful that technical knowledge gained from teleworking will pay dividends down the road. Adapting by utilizing programs and apps like Zoom and Teams have improved communication that make it easier to share ideas and to brainstorm through problems. Improving computer systems, networking capabilities, and alternatives ways to communicate to support teleworking should provide added long-term benefits. While most of these improvements were readily available prior to the pandemic, but due to necessity, they are now being utilized.

Working from home is now considered a more viable, flexible work alternative than in the past. For many years, many consulting firms were opposed to the notion of having a high number of employees teleworking fearing primarily a loss of productivity, continuity and effective communication. The pandemic has taught us otherwise and this added flexibility can now be an added benefit to some employees who have limitations being away from home and the traditional work environment and 9 to 5 work schedule. This more flexible work environment could open up the doors to a new pool of resourceful employees who would not have been considered prior to the pandemic.

Working from home eliminates commuting and allows individuals to work more hours in the same amount of time that they would have typically spent away from home. For many teleworking employees, production has actually increased as they seem to work more hours since their computers are just a few feet away from their living room.

The value of collaboration and comradery among co-workers is now better understood and was always taken for granted prior to the shutdowns. Nothing replaces face-to-face meetings and even casual conversation with your team of coworkers. The human connection with colleagues is what most miss about daily office life.

NEGATIVE TAKEAWAYS

Communication with employees and clients requires much more of a deliberate approach. Prior to the pandemic, a quick stroll through the office and brief conversations with each employee give the project manager reassurance of where all employees stand on their tasks and the overall project status. Now, this is a much more time-consuming effort as you call, text or email each employee on their status. The teleworking environment, without one central office, lends itself to losing track of an individual employee's status. The cliché "out of sight, out of mind" has never been more pertinent.

A small percentage of employees lack the discipline to stay on task while working from home due to the multitude of distractions at home or possibly from a basic lack of maturity. Employees with small children and children that no longer can attend school seem to especially have a more difficult time staying on task.

With everyone telecommuting, training new employees will be a particularly difficult challenge.

Video Conference meetings have proved very inefficient if the number of attendees is greater than six. Large video meetings where each individual needs to share input is a real challenge that is a constant barrage of awkward pauses and individuals talking over one another.

By far the most significant pitfall from the pandemic is the overall economy slow-down. Much of the engineering consulting impact may still be playing out as consultants finish up work that was already under contract when the slow down started. The ripple effects are less manufacturing and therefore less energy consumption. A major part of our clientele are energy producers and transporters so if our clients' products and services

are not in high demand, they need less engineering expertise. In addition, as the pandemic continues, state and federal agencies will experience dwindling revenue and the private consultants will eventually suffer devastating impacts.

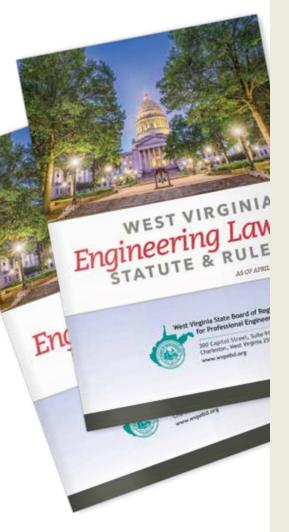
CHANGES IN MARKETING, OUTREACH AND NETWORKING

As the economy has slowed down due to COVID-19, we have had to change the way we do marketing. With consultants and their clients strictly following CDC guidelines, you are no longer able to meet face-to-face. Conferences and trade shows have all cancelled. Outreach and promotion efforts have been hampered. but have led consultants to overcome with creative use of Skype, Zoom, and Teams meetings. Traditional conferences, networking and continuing education opportunities are successfully moving to the virtual platform. Out-of-state travel to events will likely become less common going forward. Employees are multi-tasking and able to attend meetings or seminars in front of their computer screens while continuing to work and answer emails. What would have traditionally required hours upon hours of vehicular travel across the state or perhaps air travel across the country is being replaced with an email containing a conference log in ID and password, ultimately saving employers hefty costs for travel, meals, lodging and more.

SUMMARY

We are now 8 months in and the effects of altered schedules and work environments depend on the employer and their employee's individual situation. For some, it's been a nice change of pace. Being home means commuting time is now family time. Employers and work schedules are more flexible. Multi-tasking has taken on a whole new meaning. Many employees have adapted quite well to this arrangement. For others, it's a major challenge if they have no space for their home office or no childcare facilities available in their area. From an employer's perspective, the key to working from home is being able to trust your employees to stay on track and get the job done.





UPCOMING 2021-22 WV PE RENEWAL REMINDER

It's time to renew your personal WV Professional Engineer's registration for the 2021-2022 biennial timeframe. All individuals in possession of an active WV PE license will be required to be renew their PE by December 31, 2020. As outlined in West Virginia Engineering Law, our agency is required to send notification at least 30 days prior to the expiration of a license, meaning no later than December 1st of odd numbered years for COAs and December 1st of even numbered years for Active PEs and Retired PEs. Renewal notifications are typically mailed in mid-late November and the WV State Treasurer's Office activates our online license renewal system at the same time. If you have an active WV PE license, renewal instructions were enclosed with this newsletter and a live PE renewal link is now posted on our website as well. A number of courtesy email notifications will also be sent to the PE's record email address(es) throughout the renewal season until successfully renewed. Upon successful renewal, we will no longer forward renewal reminders and one will be able to print a copy of their full renewal submission, their personalized PE wallet card with expiration date, and a payment receipt. An email confirmation will also arrive within seconds from the West Virginia State Treasurer's office indicating their online credit card payment was processed via the e-Government payment system.

If you have any questions regarding the PE renewal process, please do not hesitate to contact our office by emailing info@wvpebd.org or call 304-558-3554.

CONTINUING EDUCATION REQUIREMENTS

As of the September 22, 2020 meeting of the West Virginia State Board of Registration for Professional Engineers, the Board took no action regarding changing of continuing education requirements for the upcoming December PE renewals. The biennial renewal requirement for continuing professional competency to renew your WV PE license remains at thirty (30) professional development hours and will be required for renewal in December 2020. A few additional reminders are being provided below in an effort to assist those with renewal and/or continuing education requirement:

- » Renewal notifications will be mailed in late November (the cover letter to this newsletter mailing shall serve as the official PE renewal notification) and the PE renewal submission will be due by midnight on December 31, 2020. If additional time is needed to complete the renewal or meet requirements, WV Engineering Law provides a 30-day grace period through the end of January 2021. (Please note late fees do apply during the grace period.)
- » The WV PE renewal is a biennial renewal and you may claim any hours earned since your last renewal date. If you are unsure of the date of your last renewal, simply visit our website License Verification page https://services.wvpebd.org/verification/ and type in your last name and then hit search. If you click on your name, the hyperlink will display a table that contains the public information regarding your last renewal which includes your previous renewal date.
- » Do not forget you may have carryover hours from your last renewal submission. If you are unsure of your carryover hours from 2018, simply visit our website License Verification page https://services.wvpebd.org/verification/ and type in your last name and then hit search. If you click on your name, the hyperlink will display a table that contains the public information regarding your last renewal which includes your awarded carryover hours. Your carryover hours also appear on the cover letter to this newsletter mailing.
- » We have received a number of questions on whether or not the WV PE Board accepts online continuing education and the answer is "Yes, absolutely". Often the next question is whether there is a limit on the number of on-line hours earned and that answer is "No". We have learned there are many professional societies, local / state agencies and online providers

offering free or very reduced rates for many courses given the COVID situation and remote work environments. We also understand many employers have encouraged their employees to obtain such hours during slower work periods and/or while working from home.

- » WV Engineering Law, and specifically Legislative Rule 7-1-10.9, provides for several exemptions from professional development requirements, including:
 - (a) A new registrant (by exam or comity) is exempt for their first renewal period
 - (b) A registrant on active duty for at least one hundred twenty (120) consecutive days in a calendar year is exempt from obtaining PDHs during that year.
 - (c) A registrant experiencing physical disability, illness, or other extenuating circumstances may be exempt subject to review and approval by the Board; the registrant shall furnish supporting documentation to the Board.
 - (d) Those with Retired PE status are exempt from the required professional development hours.

As of 2016, the WV PE Board no longer requires completion of a detailed continuing education form at the time of online renewal. You will simply provide the total number of hours earned since your 2018 renewal date (which will be provided in a pre-populated, locked field) through your December 2020 renewal date. Only if one is audited, will you be required to provide the level of details that used to be required on the continuing education renewal form (date of activity, location, name of presenter, title of seminar, sponsoring organization, # of hours being claimed, etc.) and completion certificates.

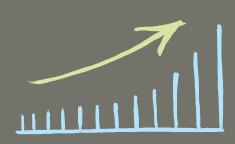
In closing, please know the West Virginia PE Board does not pre-approve continuing education courses nor do we pre-qualify companies to offer continuing education seminars. The current WV policy has been to allow the PE to deem whether or not certain activities serve as valid professional development for their current position. The philosophy is that we license thousands of Professional Engineers and all have diverse backgrounds and needs that must be met. Since no pre-approval process is offered in WV, the Board will have final authority with respect to approval of credits when reviewing annual renewals. Should one be audited, it will be the responsibility of the engineer to defend their educational choice(s) and produce records of attendance and completion of the claimed credit used for professional development activities.

STATUS SUMMARY FOR RECENT 2020-21 WV COA RENEWAL

- » Non-Responding COAs resulting in Lapsed Status after COA Renewal Season in February 2020110

To view or download a complete roster of the Active PE licenses, Firm Certificates of Authorization (COAs), and Retired PEs, simply visit our website License/COA Verification page at https://services.wvpebd.org/verification/. There you will find access to a real-time, online verification search tool that shows if a particular individual and/or firm is authorized to practice or offer engineering services in West Virginia.

Please be reminded that all licensees should report any updates such as disciplinary actions, a change in address, employer or email to the Board within 30 days. W.Va. Code R. §7-1-6.5 entitled Updated Information states, "It is the El's or PE's responsibility to notify the Board within thirty days of any change in information previously submitted to the Board, such as name change, change of address, change of employer, or similar matter requiring current information." All address and employer updates submitted online, as well as new license activations or licensee status changes, will appear immediately unless an action is required by staff before posting. Should you have any questions about the status of a WV PE or WV COA, simply contact the Board office for assistance.



CURRENT WV PE BOARD STATISTICS AND PE RENEWAL SEASON SUMMARY

The following is a numerical summary of registered individuals and firms as of October 1, 2020.

	Active PEs	.9,441
	Retired PEs	254
	Active COAs	. 3,325
	Engineer Interns	.5,104
T	OTAL	18,124

PE RESIDENCY SUMMARY AS OF OCTOBER 1, 2020:

- » Active PEs living in WV:................................... 1,663 (17.6%)
- » Active PEs living outside WV:.......7,778 (82.4%)

JAN



JAN 29-30 NCEES Board Presidents' Assembly, Greenville, SC FEB 21-27 National Engineers E-Week (various Board activities/speaking engagements) MAR 23 Board Meeting, WV PE Board Office, Charleston, WV MAR 24-25 41st Annual WV EXPO and Continuing Education Seminars, Charleston, WV APR 23-24 PE Exam + SE Exams, Charleston and Fairmont, WV 18 Board Meeting, WV PE Board Office, Charleston, WV MAY 20-22 2021 NCEES Northeast Zone Interim Meeting, Newport, RI JUL 20 Board Meeting, WV PE Board Office, Charleston, WV AUG 18-21 2021 NCEES Annual Meeting, New Orleans, LA **SEP** 21 Board Meeting, WV PE Board Office, Charleston, WV PE Exam + SE Exams, Charleston and Fairmont, WV OCT 22-23 NOV Board Meeting, WV PE Board Office, Charleston, WV For information on NCEES FE and PE Exam registration guidelines

Board Meeting, WV PE Board Office, Charleston, WV

and deadlines, visit www.ncees.org.

INTERChange