

**General Session Minutes**  
**State Board of Registration for Professional Engineers**  
**August 2, 2004**

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street – Suite 910, Charleston, WV on August 2, 2004. Those present for the general session were:

Frank Gaddy	President
Edward L. Robinson	Vice-President
Leonard J. Timms	Secretary
Richard E. Plymale	Member
B. S. Saluja	Member
Lesley Rosier	Executive Director
Don Johnson	Board Investigator
Debra Hamilton	Legal Counsel

The meeting was called to order at 9:15 a.m.

Mr. Gaddy took the opportunity to welcome Mr. Plymale as a new Board member replacing Mr. Wolfe. Mr. Plymale's term will expire June 30, 2007. In addition to appointing Mr. Plymale to the Board the governor reappointed Mr. Gaddy for a four year term ending June 30, 2008 and Mr. Robinson for a five year term ending June 30, 2009.

Mr. Timms moved, with a second by Mr. Robinson, that the Board meeting minutes of May 17, 2004, executive and general session, be approved with corrections. Motion carried.

The Board budget summary for May and June 2004 was received and reviewed. No questions were presented. The year-end 2004 expenditures were reviewed versus the 2005 Budget. Minor questions concerning what was included in various line items were discussed. No changes were made. The purchase of a Board automobile will not occur until the new vehicle contract for the state is in place in September. A motion to approve the current budget, expenditures and purchasing card transactions was made by Mr. Saluja, seconded by Mr. Plymale. Motion carried.

Ms. Rosier presented the Executive Directors report and addressed all Board questions and comments.

The revised Series 2 – Administrative Procedures were accepted and became effective on July 23, 2004. A draft of the new Laws, Rules and Regulations Handbook was reviewed by the Board. Minor changes were suggested and the handbook will be sent to the printers this week.

The April FE and PE exam results were discussed. A number of people have contacted the Board office asking about the availability of review courses for the exam. The only known course for non-students is at Marshall and it is only offered if there are enough registrants. The Board discussed the feasibility of offering or sponsoring review courses. Ms. Rosier will contact other Boards to see what they are doing and if there is a conflict of interest and report the results back to the Board before a decision is made.

The 2004 renewal process continues. The online renewal process has generated much more interest in its first year than anticipated. Approximately 28% of the renewals to date have been online. Second notices, as well as email reminders, have been sent. There are 502 renewals out of 7,626 remaining.

The possibility of having a Board meeting at West Virginia Tech was discussed. Ms. Rosier will contact them and try to arrange for the November 2004 or March 2005 Board meeting to be held there.

Mr. Timms moved to enter into executive session, seconded by Mr. Saluja. Motion carried.

At the conclusion of the executive session, Mr. Timms moved to enter into general session with a second by Mr. Robinson. Motion carried and the Board took the following actions:

1. Mr. Robinson moved that formal complaint C2004-1 against a West Virginia architect for performing engineering work without a license be received and filed, that a Notice of Hearing be sent for the January board meeting, that respondent be notified of the opportunity for informal disposition of the complaint through negotiations with counsel and/or a meeting with the Board during a regularly scheduled meeting prior to the noticed hearing. Motion was seconded by Mr. Plymale and carried.
2. Mr. Robinson moved that formal complaint C2004-2 against a Pennsylvania metal building manufacturer for alleged design deficiencies on the products sold in West Virginia be received and filed, that a Notice of Hearing be sent for the January board meeting (again with the information regarding the opportunity for informal disposition prior to hearing). Motion was seconded by Mr. Timms and carried.
3. Mr. Saluja moved that formal complaint C2004-3 against an individual who continues to represent himself as an engineer but does not have a license be received and filed, with a similar notice sent. Motion was seconded by Mr. Timms and carried.
4. Mr. Timms moved that I2004-7 be submitted, received and filed by the Board as a formal complaint, with a copy of the complaint being sent to respondent, together with a similar notice of hearing and opportunity for informal disposition. This will be formal complaint 2004-4 against an engineer performing engineering work with an expired license and without a Certificate of Authorization for his company. Motion was seconded by Mr. Robinson and carried.
5. Mr. Timms moved that the Board subscribe to the Dodge Company's plan service for one year to monitor engineering services being offered in the state. Motion was seconded by Mr. Robinson and carried.

With regard to the above complaints, the Board's investigator and counsel were authorized to take any steps necessary to investigate and prepare the complaints for hearing. Counsel was further authorized to pursue settlement.

The Board also approved FY 2005 raises for all five staff members. Ms. Rosier is to prepare the necessary paperwork for the Board Presidents signature, along with completing an evaluation process with staff as well.

Gary Hartsog from Alpha Engineering Services came to the Board meeting to discuss MSHA coal mine certifications. Mr. Hartsog is both a registered engineer and land surveyor. For many years both engineers and surveyors have used disclaimers on maps and other documents that state what portion of that document they are responsible for. They do not seal the entire document since they were not the ones responsible for its development. The northern MSHA region for West Virginia has taken exception to these disclaimers and says that the engineer and/or surveyor must seal the entire document. Disclaimers will not be accepted. The southern MSHA region for West Virginia still accepts document with the disclaimers. Attempts by Mr. Hartsog to resolve the discrepancy between the regions have not been successful. The Board confirmed

that sealing a document not prepared under the responsible charge of the engineer is in violation of West Virginia Code §30-13-21 (10) and agreed to send a letter to MSHA discussing the West Virginia Code and the Board's position on this after Mr. Gaddy contacts MSHA directly to discuss the issue.

The upcoming meeting with the West Virginia Code Officials on September 17, 2004 was discussed. We need to meet with the Architect Board prior to that to agree on the presentation.

The on-going problem with the IRS about not filing 941 forms in 2000/2001 has resurfaced. The accountant recommends that we begin a payment plan on the complaint while pursuing resolution of the problem.

The upcoming Annual NCEES Meeting in Cleveland was discussed. Three Board members and two staff members will be attending, along with Board counsel. The Alabama delegation will be presenting the resolution about using emeritus member versus active members for committee assignments.

ELSES will be administering the FE and PE exams in November. Mr. Timms will be the observer in Morgantown and Mr. Plymale and Ms. Rosier will be the observers in Charleston.

Mr. Saluja volunteered to be an observer for ABET Accreditation review for Bluefield State College in September. Ms. Rosier will provide his information to the team chair immediately.

The Board elected officers for the upcoming year. They are:

Frank L. Gaddy	President
Edward L. Robinson	Vice-President
Leonard J. Timms	Secretary

The Board discussed the use of electronically generated seals. It is the opinion of the Board and their counsel that scanned and photocopied documents bearing an engineering seal are legal.

A question was raised from an article in the newsletter about the acceptability of self study courses for professional development hours. The Board felt if there was some way to document course completion they would be acceptable. Ms. Rosier will develop a response for the upcoming newsletter.

Two requests from the Secretary of State's Office for approval of business certificates were reviewed by the Board and denied. These entities require a COA from our office first.

Ms. Hamilton discussed the 5G –WVQBS status. A meeting of the group is scheduled for August 3<sup>rd</sup>. Due to Mr. Susman's resignation from the Dept. of Administration, no follow-up letter was sent regarding the April meeting. Amy Clendenin, on behalf of the WVQBS group, reported that not much may be done on this until the new governor's administration is in place.

The next Board meeting will be held on September 20, 2004 at 9:00 a.m. The meeting will take place in the office WV Board of Registration for Professional Engineers, 300 Capitol Street – Suite 910, Charleston, WV.

Upon motion by Mr. Timms, seconded by Mr. Plymale the meeting adjourned at 2:30 p.m. The Board members will be compensated one day per diem plus travel expenses.

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**Frank L. Gaddy, P.E.**  
**Board President**

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**Leonard J. Timms, P.E.**  
**Board Secretary**