

**General Session Minutes
State Board of Registration for Professional Engineers
July 20, 2010**

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street in Charleston, WV on Tuesday, July 20, 2010. Those present for all or part of the meeting were:

Edward L. Robinson	President
William E. Pierson	Vice-President
Bhajan S. Saluja	Secretary
Leonard J. Timms	Member
Richard E. Plymale	Member
Lesley L. Rosier-Tabor	Executive Director
Don W. Johnson	Board Investigator
Nicole A. Cofer	Legal Counsel

The meeting was called to order at 9:05 a.m. There were no additions to the agenda.

The Board meeting minutes for May 28, 2010 were reviewed. A motion to approve the minutes was made by Mr. Timms, seconded by Mr. Pierson. Motion carried.

The Board budget summaries for May and June were received and reviewed. The detailed purchasing card expenditures were also received and reviewed. Receipt and expenditure summary tables for the last 7-10 years were discussed. A motion to approve the current expenditures, budget and purchasing card transactions was made by Mr. Plymale, seconded by Mr. Saluja. Motion carried.

Ms. Rosier presented the Executive Director's report and addressed all Board questions and comments. Ms. Rosier discussed her participation in recent events and presentations made by her and Mr. Johnson to various groups since the last Board meeting. She also reviewed the office's schedule of upcoming activities. A motion was made by Mr. Timms, seconded by Mr. Pierson, to approve attendance and travel for staff activities outlined in the Executive Director's report and updated 2010 calendar of events.

On-line renewal usage continues to prove highly successful. A record \$56k in on-line renewals was received on June 30th, the last day of the regular renewal season. The percentage of PE registrants and company COAs renewing early is at an all time high. To date there has only been a two-three hour window of downtime on the WV State Treasurer's Office computer system this renewal season. We continue to receive excellent service from the WVSTO staff and appreciate their diligence and expediency in solving the minor problems that do occur. Second notices of renewals have been mailed and courtesy email reminders are being sent this week.

Pass rates on the April exam were 52.5% (57.9% for first time examinees) for the FE exam and 47.9% (50% for first time examinees) on the PE exam. Overall results and exam statistics, including comparisons of pass/fail rates for those repeat takers submitting Plans of Study, will be reviewed in more detail at the September meeting.

Mr. Timms reported on his recent activities as the President-Elect for NCEES. National NCEES Committee assignments have been made and include the following for our WV PE Board: Mr. Pierson is on the NCEES EPE Committee, Ms. Rosier is on the Computer Based Testing Taskforce and Mr. Johnson is on the Law Enforcement Committee. Preliminary committee charges have been announced.

Mr. Timms discussed the possibilities of the industrial exemption language being removed from the Model Law and Rules. In addition, in light of recent events, the Louisiana Board has issued a letter to their governor offering to provide input on how requiring engineering licensure can reduce the possibility of another Deepwater Horizon event occurring. There are already recommendations from the Federal government that will require PE's be involved in the future on deep wells in the Gulf. It is Mr. Timms' understanding that ASCE has a committee that is studying the industrial exemption, in addition to WVSPE. There was discussion on issuing a letter similar to Louisiana to the West Virginia governor addressing a variety of industrial exemption matters, including the recent mining tragedies and the need for required PE involvement.

Plans for the upcoming NCEES Annual Meeting in Denver were discussed, including schedules for Board members and staff, in particular our incoming NCEES National President, Mr. Timms.

The motions that will be addressed at the NCEES Annual Meeting were sent to each participant for review prior to the meeting. Board members discussed several items of the 28-page motion summary and were encouraged to review in detail prior to the meeting.

The NCEES has issued a publication on "Using the Fundamentals of Engineering Examination as an Outcomes Assessment Tool". Ms. Rosier has obtained 60 copies for the Board's use. Ms. Rosier was requested to develop a letter to all of the WV engineering deans and department chairs discussing the use of the FE exams in assessing their programs. The letter will be reviewed for approval at the September Board meeting.

Per a recent request by NCEES, the Board reviewed and re-affirmed their policy and commitment on offering to proctor the engineering exams to out-of-state military personnel as requested and applications for such military accommodations will continue to be reviewed on a case-by-case basis.

The NCEES Examinee Management System is now operational and Ms. Rosier and Sue Rubenstein, Board Administrator, participated in an NCEES training webinar last week. Ms. Rosier presented a brief demonstration of the system's capability to the Board. All exam applicants will have a unique number assigned to them so that the Board can approve examinees on-line and enter their exam results, as well as monitor and track the candidates over time.

Mr. Plymale moved to enter into Executive Session at 10:15 am, seconded by Mr. Timms. Motion carried.

At the conclusion of the Executive Session, Mr. Timms moved to enter into General Session with a second by Mr. Plymale. Motion carried and the Board took the following actions:

1. Additional information was received after the May Board meeting regarding complaint C2010-13. As a result Mr. Timms made a motion, seconded by Mr. Plymale, to reconsider the Board's action on complaint C2010-13. Motion carried. Staff was directed to contact the respondent to get him to address the new information.

2. The complainant on complaint C2010-20 sent a letter to the Board requesting that the complaint be withdrawn. Mr. Timms made a motion, seconded by Mr. Saluja, to accept the correspondence to withdraw the complaint. Motion carried.
3. The Board directed Counsel to amend complaint C2010-21 to add the additional charge of misuse of seal. A motion was then made by Mr. Timms, seconded by Mr. Saluja, to amend the complaint and set for hearing. Motion carried.
4. The attorney for the respondent on complaint C2010-22 notified the Board that the engineer named in the complaint was incorrect. Another engineer working for the same company was named by the attorney as the engineer in responsible charge. Mr. Timms made a motion, seconded by Mr. Saluja, to amend the complaint. Motion carried.
5. A motion was made by Mr. Timms, seconded by Mr. Pierson, to schedule complaint C2010-23 for hearing at the September Board meeting if unable to reach a settlement. Motion carried.
6. Mr. Timms moved that inquiry I2010-24 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Pierson and carried.

Based on a motion by Mr. Saluja, seconded by Mr. Pierson, the Board took the following actions on Special Cases for Board Action:

1. James R. Basinger's request for comity was denied for one year for failure to report previous disciplinary actions on his application.
2. John K. Hagopian's request for comity was approved.
3. Nickola J. Prodanov's request for comity was approved.
4. Brast A. Thomas' request for waiver of 3.5 PDH's for his 2010 renewal was denied.

It was reported to the Board that counsel continues to work on the proposed revisions to the WV engineering code. A draft of the proposed code will be available for review by the Board prior to the next regular session of the Legislature in January 2011.

The interpretative rule was filed with the WV Secretary of State's Office (WV SOS). No comments were received in the required 30-day comment period. Necessary documentation is being prepared for final filing of the rule to the WV SOS.

Ms. Rosier reported on a meeting that was held with the WV SOS's Office regarding the use of the protected "engineering" terms in a company's name or description of services being offered. Ms. Rosier, Ms. Hamilton and Mr. Johnson attended the meeting in addition to WV SOS staff and counsel responsible for company registration in their office. It was agreed that when the WV SOS office is approached for business licenses/certificates of authority by companies with engineering in their name or description of services, they will contact our office or refer the company representative to our agency to obtain the necessary documentation of their engineering COA. If the company informs the WV SOS that even though they have engineering in their name (or description of services) they will not be offering or practicing engineering in WV, the WV SOS will contact this office and we will respond within 72 hours on whether or not it is appropriate to D/B/A (doing business as) registration without engineering in the name. A draft legal affidavit has been prepared by the AG's office for use when this occurs. Once this office confirms that a D/B/A situation is acceptable and WV Engineering Law is not circumvented, our agency will have the company complete the affidavit in lieu of a COA application, stating that

they will not be practicing or offering to practice engineering in WV. This affidavit must be attached to the D/B/A application before the WV SOS can register them.

Ms. Rosier presented an updated estimate from Precision Services regarding the microfilm imaging project. The estimate more accurately reflects the number of scanned images required now that the microfilm has been examined by their staff, increasing the cost of the full imaging conversion. A motion was made by Mr. Pierson to approve the expenditure up to \$65,000. The motion was seconded by Mr. Saluja and carried.

The next Board meeting has been rescheduled from Tuesday, September 20th to Tuesday September 28, 2010 due to a variety of conflicts. Ms. Rosier will update the public meeting notice with the WV SOS office. The meeting will take place in their offices at 300 Capitol Street in Charleston, WV.

Upon motion by Mr. Timms, seconded by Mr. Plymale, the meeting adjourned at 2:20 p.m. The Board members will be compensated one day per diem plus travel expenses.

Edward L. Robinson, P.E.
Board President

Bhajan S. Saluja, P.E.
Board Secretary