

General Session Minutes
State Board of Registration for Professional Engineers
July 11, 2023

The West Virginia State Board of Registration for Professional Engineers met at their office in Charleston on Tuesday, July 11, 2023. 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
Debra Hamilton	Interim Board Counsel

The meeting was called to order at 10:05am. The Board meeting minutes for the May 23, 2023 meeting were reviewed. A motion to approve the minutes was made by Mr. Gates, seconded by Dr. Nottingham. Motion carried.

The Board budget summaries for May and June 2023 were received and reviewed, as well as the FY2023 year-end summary. There were no questions on the budget information, including the P-Card transactions for the May and June 2023 timeframe. Ms. Rosier reported a \$1.53M balance for the FY2023 year-end and beginning balance for FY2024. Ms. Rosier also discussed the 21-year Revenue/Expense Comparison, noting that the year-end balance showed a noted decrease from FY2022 due to PE renewal year revenues being less than COA renewal year revenues, as well as the 10% fee reductions instituted as a result of SB334 and the Board's new fee structure effective August 1, 2022.

Ms. Rosier presented the Executive Director's report, including recent and upcoming meetings, training and travel. She also provided updates on a number of on-going projects, including completion of the transition of the Board's website and email to the wvpebd.gov domain. Mr. Saluja commented on the below average pass rates of WV examinees for both the FE and PE exams and asked for additional time to revisit this and other related exam concerns at the appropriate time when on the NCEES Exam Information agenda item.

A motion was made by Mr. Saluja, seconded by Mr. Gates, to approve the budget, current expenditures, purchasing card transactions, and upcoming travel for Board members and staff. Motion carried.

Prior to entering into Executive Session, the Board was provided details of the resolution of Complaints C2023-17, C2023-18, and C2023-19.

Dr. Nottingham made a motion to enter into Executive Session at 10:21am, seconded by Mr. Robinson. Motion carried.

Mr. Robinson excused himself and exited the room, as to not be part of any discussion or decision making regarding C2022-12 and C2022-13.

At 12:10pm, the Board recessed for lunch.

At 1:00pm, the Board held an informal conference with the Respondents in C2023-07.

After the informal conference, Mr. Robinson made a motion to re-enter into Executive Session at 1:50pm, seconded by Dr. Nottingham. Motion carried.

At 2:15pm, Mr. Robinson made a motion, seconded by Dr. Nottingham, to move into General Session. The motion carried, and the Board took the following action:

- Mr. Robinson made a motion, seconded by Mr. Gates, to “Receive and File” Complaint C2024-01, and to set said Complaint for a hearing on November 14, 2023. Motion carried.
- Dr. Nottingham made a motion, seconded by Mr. Robinson, to dismiss C2023-21. Motion carried.
- Dr. Nottingham made a motion, seconded by Mr. Robinson, to move I2024-02 to Complaint. Motion carried. Furthermore, Dr. Nottingham made a motion, seconded by Mr. Robinson, to “Receive and File” Complaint C2024-02, and set said Complaint for a hearing on January 9, 2024. Motion carried.
- Mr. Robinson made a motion, seconded by Dr. Nottingham, to move I2024-03 to Complaint. Motion carried. Furthermore, Mr. Robinson made a motion, seconded by Dr. Nottingham, to “Receive and File” Complaint C2024-03, and set said Complaint for a hearing on January 9, 2024. Motion carried.
- Mr. Robinson made a motion, seconded by Dr. Nottingham, to move I2024-04 to Complaint. Motion carried. Furthermore, Mr. Robinson made a motion, seconded by Dr. Nottingham, to “Receive and File” Complaint C2024-04, and set said Complaint for a hearing on January 9, 2024. Motion carried.
- Mr. Robinson made a motion, seconded by Dr. Nottingham, to move I2024-05 to Complaint. Motion carried. Furthermore, Mr. Robinson made a motion, seconded by Dr. Nottingham, to “Receive and File” Complaint C2024-05, and set said Complaint for a hearing on January 9, 2024. Motion carried.
- Mr. Robinson made a motion, seconded by Dr. Nottingham, to move I2024-06 to Complaint. Motion carried. Furthermore, Mr. Robinson made a motion, seconded by Dr. Nottingham, to “Receive and File” Complaint C2024-06, and set said Complaint for a hearing on January 9, 2024. Motion carried.
- Mr. Robinson made a motion, seconded by Dr. Nottingham, to move I2024-07 to Complaint. Motion carried. Furthermore, Mr. Robinson made a motion, seconded by Dr. Nottingham, to “Receive and File” Complaint C2024-07, and set said Complaint for a hearing on January 9, 2024. Motion carried.

- Mr. Robinson made a motion, seconded by Dr. Nottingham, to move I2024-08 to Complaint. Motion carried. Furthermore, Mr. Robinson made a motion, seconded by Dr. Nottingham, to “Receive and File” Complaint C2024-08, and set said Complaint for a hearing on January 9, 2024. Motion carried.
- Mr. Robinson made a motion, seconded by Dr. Nottingham, to move I2024-09 to Complaint. Motion carried. Furthermore, Mr. Robinson made a motion, seconded by Dr. Nottingham, to “Receive and File” Complaint C2024-09, and set said Complaint for a hearing on January 9, 2024. Motion carried.

The Board acted upon the special case files as follows:

- Mr. Robinson made a motion, seconded by Mr. Saluja to approve the PE comity application for Tod J. Henning. Motion carried.
- Mr. Saluja made a motion, seconded by Dr. Nottingham to approve the PE comity application for Gregory A. Johnson. Motion carried.

Mr. Robinson made a motion, seconded by Mr. Gates, to authorize staff to hire outside expertise as needed to assist in complaint investigations, up to \$5000 per case, once a complaint has been filed by the Board.

The Board reviewed the final 2023 NCEES Annual Meeting information, including the Summary of Motions, forums, and professional development activities. In addition, Ms. Rosier noted that the NCEES President-Elect had made the 2023-2024 NCEES committee appointments and she will be serving on the MBA committee again this year, Mr. Thomas will be a member of the Committee on Examinations for Professional Engineers, and Mr. Eagloski was invited to be a member of the Committee on Law Enforcement but will be declining the offer with a hope to be reconsidered in the future.

Ms. Rosier summarized the most recent NCEES State of the Council meetings which were held virtually. She also reminded the Board the next State of the Council meeting will be held the following day, Wednesday, July 12th, and encouraged them to participate.

The Board reviewed the latest NCEES response regarding correspondence disseminated by the President of the American Nuclear Society regarding the Nuclear PE Exam. In addition, Mr. Saluja provided the Board with an update regarding his most recent research efforts and on-going interest in issues he wants to see addressed by NCEES leadership regarding exam pass rates and his FE and PE exam concerns.

Ms. Rosier provided the Board with the calendar dates for the remaining 2023 WV Legislative Interims and shared details regarding the latest publication by the Alliance for Responsible Professional Licensing (ARPL) group regarding the critical role responsible licensing plays in today’s society. In addition, she presented the Board’s current licensee statistics provided in response to the WV Legislative Joint Committee on Government and Finance’s annual request for such information.

Ms. Rosier shared details of the current maintenance situation and the lack of regulated air conditioning in the Board's office space. With temporary cooling units and fans, as well as keeping blinds, curtains and windows closed to minimize the heat, staff have been able to continue to work without interruption. Per the Building Owner, the initial phase of work to repair the building's cooling system began on Saturday, June 24, 2023 and will likely continue for the next few months.

The Board reviewed the required BRIM Loss Control Questionnaire and the annual Safety Committee meeting documentation in accordance with BRIM's Standards of Participation letter received May 19, 2023. In addition, the Board completed their Executive Branch Confidentiality agreements for inclusion in the annual BRIM submission and participated in viewing the driver's safety video. Ms. Rosier also provide the Board with a variety of important web links, already viewed by staff the week prior, regarding data breaches, privacy, and safety so they could view the materials at their leisure.

Ms. Rosier discussed plans regarding the Board's 2023 INTERchange newsletter and confirmed articles should be submitted in draft format no later than August 15, 2023. In addition, she noted that the newsletter would again be disseminated with the 2024-2025 COA Renewal notices and the firm renewal season preparations are underway.

Ms. Rosier reported she had been in contact with ABET representatives and, based on the current review cycles, the Board should not have any observer roles to fill until the fall of 2025.

The Board reviewed the latest editions of the Professional Licensure Report (PLR).

Ms. Rosier reported she is unaware of any progress made since the last Board meeting on the draft revisions of the WV Code Officials handbook.

The Board reviewed the upcoming 2023 Calendar of Events. Ms. Rosier requested members notify her with any anticipated conflicts.

Upon motion by Mr. Gates, seconded by Dr. Nottingham, the Board voted to adjourn the meeting at 3:05pm. The next Board meeting will be September 19, 2023, 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