

General Session Minutes
State Board of Registration for Professional Engineers
October 2, 2003

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street – Suite 910, Charleston, WV on October 2, 2003. Those present for the general session were:

Frank L. Gaddy	President
Robert L. Wolfe	Vice President
Leonard J. Timms	Secretary
Edward L. Robinson	Member
B. S. Saluja	Member
Debra L. Hamilton (via phone)	Managing Deputy Attorney General
Lesley Rosier	Executive Director

Guests:

Don Johnson	Board Investigator applicant
Robert Ore	Comity Applicant

The meeting was called to order at 9:20 a.m.

Mr. Don Johnson was introduced to the Board members. Mr. Johnson was called to the meeting to discuss the details of the employment opportunity for the position of Board Investigator. After a brief discussion, Mr. Johnson was asked to step out of the room and Mr. Timms moved to enter directly into executive session, second by Mr. Wolfe. Motion carried.

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

1. Mr. Robinson moved to offer Mr. Don Johnson the position of Board Investigator with a salary of \$30,000 per year. This position will require a minimum of 20 hours per week and comes with full benefits, with the understanding that this position is at the will and pleasure of the Board. Motion was seconded by Mr. Timms and carried.
2. Mr. Robinson moved that the three administrative personnel be reclassified as Administrative Service Assistant I positions since new job responsibilities have been assigned due to the recent retirement of our Board Administrator. The reclassification is to be accompanied by a promotional increase and salary adjustment of 9.4%. Motion carried unanimously.
3. Motion by Mr. Saluja, with a second by Mr. Timms, to increase the salary of the Executive Director to \$72,000 per year. This increase is a result of added job responsibilities and annual merit increase. Motion carried unanimously.
4. Mr. Robinson moved that Ms. Hamilton draft a consent agreement regarding Case 2003-2 which would take appropriate enforcement actions, including a minimum of a \$1000 fine, against the PE involved. Should the involved party not be interested in the amenable disposition, a formal hearing will be scheduled at a future Board meeting. Motion seconded by Mr. Wolfe and carried.

5. Mr. Robinson moved that Ms. Hamilton draft a formal response to the attorney who responded to Case 2003-3 regarding the proper verification required. Mr. Johnson and/or Ms. Rosier are directed to submit a request to the respondent requesting additional information and documentation regarding the specific actions taken to remedy their various means of illegal advertising. Seconded by Mr. Timms and carried.
6. Ms. Hamilton reported that she is currently negotiating the consent agreement regarding Case 2003-1. She anticipates having the final documents available at the next Board meeting. Mr. Timms moved, with a second from Mr. Saluja, for Debra to pursue contacting other Boards to discuss how they establish appropriate cost assessments for various activities associated with handling complaints through an informal hearing and/or negotiations.

Returning to the general session agenda, Mr. Timms moved, with a second by Mr. Robinson, that the Board meeting minutes of July 24, 2003, executive and general session, be approved as amended. Motion carried.

The Board budget and expenditures for July, August and September 2003 were received and reviewed and questions were answered by Ms. Rosier. Ms. Rosier provided an update on the renewal progress and revenues deposited to date. A motion to approve the budget and expenditures was made by Mr. Timms, seconded by Mr. Saluja. Motion carried.

Mr. Timms moved that Ms. Rosier explore the options of a Board-initiated audit, to include what our internal audit needs would be and approximate cost of such an endeavor. It was recommended that Ms. Theresa James of Smith, Cochran and Hicks be contacted to assist in developing a scope of services for an internal audit. Motion was seconded by Mr. Robinson and carried.

Ms. Rosier presented the Executive Director's Report and addressed all Board comments and questions. She shared the details of her recent ELSSES proctor training seminar hosted by NCEES in Atlanta, as well as details regarding the upcoming exam administration. Ms. Rosier is awaiting receipt of a new proposal from Susan Whitfield of NCEES regarding the use of ELSSES to provide exam administration services to our Board. With the increased security and financial liability concerns, the Board will entertain a discussion regarding this matter at the next Board meeting. Ms. Rosier also provided a final summary of 2003 PE and COA renewals, as well as details regarding immediate plans for the annual audit of professional development activities of active registrants.

Ms. Rosier presented the Board with her lists of approved files since the last Board meeting. The following files and/or requests were approved with Board action:

FE/PE Applications to sit for the exam:

Czewski, Robert L.
Elkins, Jerry V.
Mathur, Surendra K.
Mullens, William L.
Noftsier, Brian L.

Comity/PE Applications for licensure:

Golias, James G. II
Hermiller, Steven C.
Rulon, Darrell S.
Singer, Edward A.

At 11:45 am, Mr. Robert Ore joined the meeting for a brief interview regarding his comity application. Currently Mr. Ore's application remains incomplete and the Board has advised him of the shortcomings that he will need to correct prior to any future consideration for obtaining a WV PE license. Ms. Rosier is to contact his state of original licensure to discuss details of his status and possibilities for becoming actively registered in that state. Mr. Ore thanked the Board

for their consideration and indicated that he would be in contact with Ms. Rosier in the near future.

Ms. Rosier presented the Board with a final draft of the Board of Professional Engineer's 2004 Strategic Plan. Mr. Timms recommended that all Board members take this document for review and provide final comments via email within the next two weeks. Mr. Robinson requested that the job descriptions contained within the Strategic Plan be modified to reflect the recent retirement of our Board Administrator and newly assigned duties of current staff. Ms. Rosier will finalize and distribute for acceptance at the next Board meeting.

Ms. Rosier announced that she had been contacted by David Durham, Program Coordinator for College of Engineering and Mineral Resources of WVU, regarding the Board's January 2004 visit to Morgantown. Ms. Rosier recommended that the Board meet on Monday, January 26, 2004 since our regular meeting schedule would fall on the MLK holiday. She will contact Mr. Durham with a proposed agenda and request confirmation prior to our next Board meeting.

The Board once again discussed a recent concern regarding P.E.'s not licensed in WV providing expert testimony. The Board is of the opinion that an expert witness making engineering judgments and offering engineering opinions within a WV courtroom should be a WV licensed professional engineer. A motion was made by Mr. Robinson, seconded by Mr. Saluja, to direct Ms. Hamilton to render a legal opinion on such situations. Motion carried.

Mr. Timms reported his findings regarding the venues available to fulfill the responsibility of the WV Board to serve as host for the 2005 NCEES Northeast Zone meeting. Based on Mr. Timms' research, he moved that Ms. Rosier begin to explore the use of hotels of Charleston, WV as the official location for this meeting. Mr. Wolfe seconded this motion and it carried.

Mr. Robinson addressed the group regarding the recent 5G Purchasing Conference held in Wheeling, WV. Mr. Robinson reminded the Board that the minutes of May 20, 2003 reflect the agreement between interested parties, including the WV PE Board, to draft rules to clarify the intent of the 5G legislation regarding procurement of engineering services in WV. Mr. Robinson would like to see the WV Board take a lead role to solve the issues surrounding this legislation by having Ms. Rosier and Ms. Hamilton to begin to work with the interested parties on such rules. No motion was made.

The next meeting of the Board will be held on Tuesday, November 18, 2003 at 9:00 a.m.. This meeting will take place in the office of the WV State Board of Registration for Professional Engineers, 910 Kanawha Building, 300 Capitol Street, Charleston, West Virginia.

Upon motion of Mr. Timms, seconded by Mr. Saluja, the meeting adjourned at 3:45 p.m. The Board members will be compensated for one day per diem plus travel expenses.

Frank L. Gaddy, P.E.
Board President

Leonard J. Timms, P.E.
Board Secretary