

General Session Minutes
State Board of Registration for Professional Engineers
November 18, 2003

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street – Suite 910, Charleston, WV on November 18, 2003. Those present for the general session were:

Robert L. Wolfe	Vice-President
Leonard J. Timms	Secretary
Edward L. Robinson	Member
B. S. Saluja	Member
Lesley Rosier	Executive Director
Don Johnson	Board Investigator
Debra L. Hamilton	Managing Deputy Attorney General

The meeting was called to order at 9:25 a.m.

Mr. Robinson moved, with a second by Mr. Saluja, that the Board meeting minutes of October 2, 2003, executive and general session, be approved with no corrections. Motion carried.

The Board budget summary, including purchasing card expenditures, for September and October 2003 were received and reviewed. No questions were presented. A motion to approve the budget and expenditures was made by Mr. Robinson, seconded by Mr. Wolfe. Motion carried.

Ms. Rosier presented the Executive Director's Report and addressed all Board comments and questions.

Mr. Wolfe moved to enter directly into executive session, second by Mr. Timms. Motion carried.

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

1. Mr. Robinson moved to close Case 2003-1 based on the negotiated settlement by consent agreement. The negotiated settlement required the involved firm and individual to pay a penalties of \$2000 and \$500 respectively for performing engineering services in WV without obtaining a COA or WV PE license. Mr. Wolfe seconded the motion and the motion carried.
2. Mr. Robinson moved, with a second by Mr. Saluja, to accept the negotiated consent agreement and close Case 2003-2. The negotiated agreement required a \$1000 penalty to be paid by the individual affixing his PE seal and signature to documents that were not representative of his own work. Motion carried.
3. Motion by Mr. Timms, with a second by Mr. Saluja, for Mr. Johnson to actively pursue investigations on behalf of the WV PE Board as a regular part of his employment responsibilities. Mr. Johnson shall also have the authority to prepare informal settlements with assistance of Board staff and legal counsel. Mr. Johnson's is also authorized to draft formal complaints on behalf of the Board when necessary to be acted upon at the next Board meeting. Motion carried unanimously.

After Mr. Johnson completed his presentation of the Board Investigator's report, the Board commended Mr. Johnson on his outstanding efforts during his first month of employment with the Board. Multiple comments regarding the Board concerns with unlawful practice were shared with Mr. Johnson as they welcomed him aboard.

Returning to the general session agenda, Ms. Rosier presented an update on the latest developments regarding the proposed Series 1 – Legislative Rules and Regulations submitted for the 2004 legislative session. Additional comments regarding the need for Series 2 – Administrative Procedural Rules improvements were provided by Ms. Hamilton. Mr. Robinson moved, with a second by Mr. Wolfe, to direct counsel to draft new procedural rules for submission and acceptance by early spring 2004. Motion carried.

After receiving advice from counsel regarding potential confidential documents within applications to be discussed, Mr. Saluja moved to return to Executive Session to discuss applications needing Board attention. Motion seconded by Mr. Wolfe and carried.

At the conclusion of the executive session, Mr. Wolfe moved the following action and to enter into general session, Mr. Saluja provided a second to the motion and it carried.

1. The Board received Ms. Rosier's approved applicant lists and the following files and/or requests were addressed with Board action:

Comity / PE Applications for licensure:

Abravesh, Jafar "Jeff" (Denied)

Ghadiri, Pariz (Approved)

Jacobs, Scott (Approved)

Ms. Rosier presented plans discussed with Mr. David Durham, Program Coordinator for College of Engineering and Mineral Resources of WVU, regarding the Board's January 2004 visit to Morgantown. Mr. Durham will confirm the agenda and meeting location as soon as possible. Upon confirmation, Ms. Rosier will disseminate via email to all Board members and counsel.

Ms. Rosier shared details of a recent meeting with Mr. Randy Epperly of the WVDOT concerning the use of electronic seals. Mr. Robinson was also present for the meeting along with other interested parties from ACEC and WVSPE. While Ms. Rosier presented her understanding of the initial concerns of the Board regarding electronic seals with those present, she elaborated on recent technological improvements that would mitigate or eliminate those concerns. Mr. Epperly was pleased to learn that the Board had no reservations with respect to moving forward with this technology. Mr. Robinson elaborated on the use of the technology and benefits of electronic submissions and bidding and answered questions of the Board. Ms. Hamilton has been asked to review our current Code and determine if such technological advancements are permissible. Ms. Hamilton's initial reaction was that although not directly addressed in the current Laws or Rules, there was nothing that would prohibit electronic sealing of documents. Ms. Hamilton will provide an update at our next meeting and will assist in crafting language specifically addressing such for possible submission during the next legislative session.

At 1:00pm, the Board was joined by Mr. Frank Gourley, Division Director of Engineering Technology of the WVUIT Community and Technical College to discuss recent ABET developments. Mr. Gourley shared the exciting news regarding the recent accreditation visit, announcing 3 technology programs now having 4-year accredited programs and noting that this accreditation action extends retroactively from October 1, 2001. Mr. Gourley was interested in

obtaining the Board's position on re-issuing baccalaureate degrees to those students who graduated during a period of non-accreditation by requiring additional coursework to be taken to make up for apparent deficiencies. After much discussion, the WV Board requested Mr. Gourley present the scenario to the University leaders and ABET to obtain official approval of both bodies and forward all related documentation to the Board. Once the Board was in receipt of such approval from both, consideration to sit for the FE/PE exams would be re-evaluated. The Board congratulated Mr. Gourley and his faculty on their outstanding achievements and Mr. Gourley thanked the Board for their time and agreed he would be in touch.

At 1:30pm pm, the Board was joined by Dr. Lee Kraus of Information Research Corporation and Mr. Mark Lamborn of COMAR, Inc. Ms. Rosier invited the guests to provide a 15-minute presentation on the latest educational technology in distance learning programs and the possibilities of developing and offering continuing education opportunities to our licensed engineers via the Internet. The Board asked several questions regarding the initial development costs of such an endeavor, noting such an expenditure would need to be incorporated into the budget. Mr. Kraus and Ms. Rosier are to follow up on specific needs of the Board. The guests thanked the Board for their time.

Mr. Robinson addressed the group regarding the recent 5G developments and concerns. After drawing our attention to the May 20, 2003 minutes that reflect an agreement between interested parties to act, Mr. Robinson made a motion for the WV Board to take the lead role in drafting Rules to clarify the intent of the 5G Purchasing Law. Mr. Saluja seconded the motion. Discussion resulted regarding the need for Purchasing and other interested groups such as WVSPE, ACEC, and AIA should be taking the lead. Ms. Rosier and Ms. Hamilton shared their findings to date regarding similar statutes in other states. Ms. Hamilton once again pointed out the inability for any of the agencies noted to promulgate such Rules. Mr. Timms called for the questions and motion carried. Ms. Rosier agreed to organize a meeting of representatives from the interested parties immediately following the Board meeting.

Ms. Rosier presented an updated proposal prepared by Ms. Susan Whitfield of NCEES regarding the use of ELSESES to provide exam administration services to our Board. With the increased security and financial liability concerns, Mr. Robinson made a motion that the Board direct Ms. Rosier and Ms. Hamilton to negotiate a contract with ELSESES, LLC for future exam administrations in an effort to protect the Board from future financial liability. A second for this motion was offered by Mr. Timms and discussion was requested. A sample contract was presented by Ms. Rosier, along with contracts currently in effect between ELSESES and other neighboring states. Ms. Rosier also relayed the details of recent discussions with both Ms. Linda Lyter and the WV Auditor's Office which both assured her there would be no issues regarding the legality of contracting with ELSESES for exam administration since they are essentially the maker and owner of both exams. Motion carried unanimously. Ms. Hamilton and Ms. Rosier will make every attempt to have this contract in place by December 1, 2003 for the April 2004 exam administration.

Mr. Timms provided a summary of his recent observations at the Morgantown FE exam site. Mr. Timms recommended that these observations be a topic of discussion during the January 2004 Board meeting on the WVU Engineering campus. He is also interested in revisiting these discussions once the grades for the October 2003 administration are received and reviewed. Ms. Rosier reminded the Board of a need for an immediate Board decision on offering future FE exam waivers to eligible, full-time students enrolled in approved programs in WV. A motion was made by Mr. Robinson to extend the FE Fee waiver pilot project through the April 2005, given the original stipulations of a maximum of two fee waivers should be provided to any candidate and should a candidate receive a fee waiver and then fail to attend the exam, they would no longer be eligible for future fee waivers. Mr. Saluja seconded the motion and it carried unanimously.

Mr. Timms reminded the Board of the need to develop ideas regarding possible resolutions to be put forth at the Northeast Zone meeting in early spring 2004. The first problem to be addressed is in regard to the single year term appointments to NCEES national committees. On a similar note, a second concern is utilizing current Board members who show an interest in servicing on NCEES committees, prior to assigning emeritus members. Mr. Robinson recommends we review the ASCE Model on Committee Assignments when drafting our proposals. Ms. Timms asked Ms. Rosier to contact the Alabama Board who apparently have similar concerns. A draft resolution is requested for Board consideration during our next meeting.

The next meeting of the Board will be held on Monday, January 26, 2004 at 9:00 a.m.. This meeting will take place on the Evansdale Engineering Campus at West Virginia University in Morgantown, West Virginia. Details on meeting location and travel arrangements will be forwarded as they become available.

Upon motion of Mr. Wolfe, seconded by Mr. Saluja, the meeting adjourned at 4:05 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