

**General Session Minutes
State Board of Registration for Professional Engineers
July 22, 2008**

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street in Charleston, WV on Tuesday, July 22, 2008. Those present for the meeting were:

Leonard J. Timms, Jr.	President
Edward L. Robinson	Vice-President
Richard E. Plymale	Member
William E. Pierson	Member
Lesley L. Rosier-Tabor	Executive Director
Don W. Johnson	Board Investigator
Debra L. Hamilton	Legal Counsel

The meeting was called to order at 9:05 a.m.

President Timms asked Mr. Pierson to be acting Board Secretary in the absence of Mr. Saluja.

The Board meeting minutes of May 20, 2008 (both executive and general session) were reviewed. A motion to approve the minutes was made by Mr. Robinson, seconded by Mr. Plymale. Motion carried.

The Board was presented with the FY 2008 year-end budget summary and multi-year comparisons of revenue and expenditures. The Board budget summaries for May and June 2008 were also received and reviewed. A motion to approve the expenditures and purchasing card transactions was made by Mr. Robinson, seconded by Mr. Plymale. 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, in addition to reviewing the office's schedule of upcoming activities. A motion was made by Mr. Robinson, seconded by Mr. Pierson, to approve all planned travel by the Board staff. Motion carried.

The results of the April examination were reviewed. Pass rates were similar to previous exams. Staff informed the Board that the Legislative Auditor's office had recently requested exam pass rates over time as part of a current Research Project. The Board staff provided the requested information to the Legislative Auditor's office for their study. President Timms will check with NCEES to see what additional information can be shared without violating confidentiality agreements.

The Board discussed the WV Tech FE exam preparation class and its effect on pass rates for those who participated. At this point, the data available is too limited to determine the effectiveness of the class.

Concerned about the low pass rates and security issues surrounding the exam, the Board also discussed the exam repeat takers' Educational Plan of Study initiative and the effect on pass rates. Although this initiative is in its infancy, only one individual required to submit the plan of

study to obtain admission to the April 2008 exam passed the exam. The Board requested that Ms. Rosier contact that individual to determine what, if anything, can be learned to improve the pass rates.

In an effort to tighten the requirements for those repeatedly taking the FE and PE exams, and based on the results of the repeat takers success rate outlined above, the Board unanimously voted to take the following action moved by Mr. Plymale, seconded by Mr. Pierson:

- The Board directed staff to check all of those submitting subsequent Plans of Study to ensure they followed their original plan of study prior to granting them admission to the upcoming October 2008 exam. If the exam applicant indicates he/she failed to follow or complete their formerly submitted plan, they will not be granted permission into the October 2008 exam, required to sit out one examination cycle and complete their plan of study before being granted permission to sit for the April 2009 exam. The same review and plan of action should be followed for all subsequent exam administrations.
- Beginning with the April 2009 exam, applicants who have submitted two Plans of Study and are required to submit a third plan will be required to meet with the Board or a committee designated by the Board prior to being granted permission to sit for the upcoming exam.
- Beginning with the acceptance of April 2009 exam applications, any examinee failing the FE or PE exam **three (3)** times or more, regardless of the jurisdiction, will be required to submit an Educational Plan of Study (as opposed to the Board policy established in June 2007 which states failing an exam four (4) or more times).

As a result of the above action, Ms. Rosier will develop new forms, a timeline for implementation and immediate launch efforts to communicate the changes to new applicants. It should be noted that this new policy begins to more closely align the existing requirements with WV Engineering Law of 30-13-15(c) which states "...In the event of a second failure, the examinee may be required to appear before the board to present evidence of having pursued further instruction in deficit areas."

The 2008-2009 PE license and COA renewal continues. Completed registrations exceed previous years at this date. As of July 21, 2008, 413 PEs, 196 COAs and 37 Retired PEs have yet to renew. There have been very few glitches with the WVSTO this year and the number of criticisms or concerns regarding the on-line renewal system has been minimal.

Ms. Hamilton presented the Board with an Attorney General's opinion issued on July 16, 2008 regarding the "Applicability of the Discretionary Salary Increase "Freeze" to the Board of Dental Examiners". Based on this AG opinion, the Board requested that Ms. Rosier review the across-the-board salary increases for 2007 and 2008 and provide a recommendation for any additional changes at the September 2008 Board meeting.

Mr. Pierson moved to enter into executive session, seconded by Mr. Plymale. Motion carried.

A motion was made by Mr. Pierson, seconded by Mr. Robinson, to recess the executive session for a pre-hearing settlement conference with the respondent and his attorney on complaint C2008-13. Motion was seconded by Mr. Robinson and carried.

At the conclusion of the pre-hearing settlement conference, which resulted in a settlement to be set forth in a consent order, the scheduled hearing on complaint C21008-13 was cancelled and the Board returned to executive session.

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

1. Mr. Robinson moved that complaint C2008-4 be scheduled for hearing at the September 2008 Board meeting, seconded by Mr. Plymale. Motion carried.
2. Mr. Pierson moved that complaint C2008-12 be dismissed and the respondents be cautioned regarding future practices. Motion was seconded by Mr. Plymale and carried.
3. Mr. Plymale moved that complaint C2008-15 be dismissed based on additional information provided by the respondent and further investigation. Motion was seconded by Mr. Pierson and carried. The Board expressed a desire to follow-up with the WV Bureau of Public Health regarding the Board's concern of public health, safety and welfare and the need for public pool designs (except those for single family residences) to be designed and sealed by a licensed professional engineer.
4. Mr. Robinson moved that inquiry I2008-27 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Plymale and carried.
5. Mr. Robinson moved that inquiry I2008-30 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Plymale and carried.
6. Mr. Robinson moved that inquiry I2009-2 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Plymale and carried.
7. Based on a motion by Mr. Pierson, seconded by Mr. Robinson, the Board took the following actions on Board Cases for Board Action:
 - Brendan R. Fisher's Comity application was approved.
 - Gabriel L. Pellegrini's request for reinstatement was held in abeyance until he provides an additional reference.
 - Salam Ahmed Al-Rawry's request to sit for the FE exam was denied until he can obtain an acceptable CPEES evaluation of his foreign degree or completes a Master's Degree in engineering from an ABET-accredited program which would allow the Board to waive the foreign degree evaluation requirement.

President Timms updated the Board on his NCEES activities:

- Issues continue to be raised regarding the implementation of the BS plus 30 initiative.
- A proposal will be submitted at the annual NCEES meeting requesting development of a software engineering examination module.
- NCEES has been approved by ANSI to develop the standard for a certified model law engineer. WV will participate in the review of the standard.
- Mr. Plymale had been appointed to the NCEES Advisory Committee on Council Activities. Mr. Pierson has been appointed to the NCEES Examinations for Professional Engineers Committee. Ms. Rosier had been appointed to the NCEES Computer Based Testing Task Force and the Member Board Administrators Networking Group. Mr.

Timms will continue to serve on the NCEES Board of Directors and, as such, serve as a liaison to multiple committees and task forces.

President Timms discussed the meeting with the WV Land Surveyor's Board. The meeting was held to meet the new Executive Director, improve communications between the Boards and look into developing a memorandum of understanding (and seal brochure) on overlapping practice issues. Greg Smith, President of the Land Surveyor's Board, agreed to discuss the seal brochure proposal with their Board and see if there is interest in pursuing. The WV Surveyors Board is meeting today as well and Mr. Johnson will follow-up with their staff.

The election of officers for 2009 was held. Mr. Timms was re-elected Board President, Mr. Robinson was re-elected Board Vice-President and Mr. Saluja was re-elected Board Secretary.

The Annual NCEES Meeting is scheduled for August 13-16, 2008 in Minneapolis, MN. Planned attendees are President Timms, Mr. Plymale, Ms. Hamilton, Ms. Rosier and Mr. Johnson.

Ms. Rosier reported that ELSSES has increased their examination fee from \$80.00 to \$100.00. ELSSES will also begin requiring candidates to register via their website after being approved by the WV Board to eliminate the data entry and possible multiple conversion errors under the current arrangement. A bright-colored flyer will be included in the registration notices informing the candidates of this change.

The Board discussed the proposed Rule Revisions. It was agreed to start spending one hour in each Board meeting updating the rules for legislative review in 2010.

The Marshall University/WVU Tech agreement on offering a WVU Tech degree at the Marshall campus will be ending prior to Marshall receiving ABET approval. Students graduating in the interim may not be eligible for licensure. The proposed agreement, allowing those students to take the FE exam with the understanding that their exam results may be voided if Marshall doesn't gain accreditation, was revised and approved by the Board. Board staff will work with Marshall faculty to ensure all applicants potentially affected by this change are contacted and required to sign the agreement before proceeding with the exam.

Ms. Rosier reported that the new BRIM Loss Control Questionnaire required that Board members review the Board's safety plan and be aware of the procedures for Loss Controls, Safety and Risk Management. Copies of the policies, plan and supporting documents were provided for members' review.

The next Board meeting will be held on Tuesday, September 16, 2008. The meeting will take place at the PE Board office located at 300 Capitol Street, Charleston, WV.

Upon motion by Mr. Robinson, seconded by Mr. Plymale, the meeting adjourned at 3:15 p.m. The Board members will be compensated one day per diem plus travel expenses.

Leonard J. Timms, Jr., P.E.
Board President

Bhajan S. Saluja, P.E.
Board Secretary