

**General Session Minutes
State Board of Registration for Professional Engineers
December 16, 2002**

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street, Suite 910, Charleston, WV on December 16, 2002. Those present for the entire meeting were:

Frank L. Gaddy	President
Robert L. Wolfe	Vice President
Leonard J. Timms	Secretary
Edward L. Robinson	Member
B. S. Saluja	Member
Barry Koerber	Assistant Attorney General
Lesley Rosier	Executive Director

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

Since invited guests were present for only a limited time, Mr. Wolfe moved to enter directly into executive session, second by Mr. Saluja. Motion carried.

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

1. **Inquiry 2002-1** – After being briefed by Mr. Gary Slater, Director of WV Legislature Commission on Special Investigations, further discussion was tabled until Mr. Slater responds to the Board's inquiry.
3. **Case 2002-4** – Mr. Timms moved that this case be tabled until the next Board meeting giving the Board adequate time to review. Motion seconded by Mr. Wolfe, motion carried.
4. **Case 2002-5 (WV Electric)** – Mr. Robinson moved that Ms. Rosier advise WV Electric that they will need to have a licensed WV Professional Engineer and a COA in order to continue to advertise the company having a specialization in Electrical Engineering. Otherwise, WV Electric will need to cease using such terminology in their advertising and on their website.
5. **Inquiry 2002-2** – Motion by Mr. Robinson, seconded by Mr. Saluja to table this discussion until a formal complaint is filed.

Mr. Saluja moved, second by Mr. Timms that the Board meeting minutes of September 16, 2002, executive and general session, be approved. Motion carried.

The Board budget for November 2002 was reviewed and questions were answered. A motion by Mr. Robinson, second by Mr. Wolfe to approve the November 2002 budget as presented. Motion carried.

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

Ms. Rosier presented the Board with the lists of approved files since last Board meeting. The following three files were presented for Board review and comment:

1. **Ms. Jennifer Morris** – Clarification was provided requiring Ms. Morris to obtain six years of experience prior to sitting for the PE exam. Her MSE degree can serve as one of the six years.
2. **Mr. Boris Vilner** – Request for reconsideration of Mr. Vilner's PE Comity application was received and reviewed. Motion by Mr. Robinson, second by Mr. Saluja to uphold the November Board meeting decision to deny Mr. Vilner's application until he sits and passes the FE. Motion carried. Ms. Rosier will contact Mr. Vilner indicating we cannot grant an FE waiver based on WV Law, but he is welcome to sit for the FE exam.

Upon further review of the documentation supplied by Mr. Vilner, including his resume, the Board became concerned regarding his reference to serving as "Lead Engineer" on several WV projects. Within Ms. Rosier's correspondence with this applicant, the Board requests clarification of said references noting that they are potential violations of WV Law of practicing without a license.

3. **Mr. James Wells** – Request for reconsideration of Mr. Wells' PE Comity application was received and reviewed. Motion by Mr. Timms, second by Mr. Robinson to uphold the November Board meeting decision to deny Mr. Wells' application until he obtains a Master's Degree in Engineering. Motion carried.

Ms. Rosier informed the Board that she contacted David Martinelli, WVU Civil Engineering Department Chair, regarding the Board's January 2003 visit to the WVU College of Engineering. A draft agenda was presented for Board review. Motion by Mr. Robinson, second by Mr. Timms, for Ms. Rosier to make arrangements with WVU officials for dinner on Thursday evening, a Friday morning Board meeting followed by a meeting with faculty and students Friday afternoon. Motion carried. Ms. Rosier will forward details regarding the agenda and overnight accommodations as they become available.

Mr. Gaddy informed the Board of upcoming bills that the WV Association of Land Surveyors plan to submit for consideration in the 2003 Legislative session. The meeting adjourned for lunch with Land Surveyor's Board representatives for lunch.

The Board reconvened their meeting at 1:00 p.m., joined by the following individuals:

Ms. Marilee Bright	Board Administrator, WV Land Surveyor's Board
Mr. Leon Spencer	Board Secretary, WV Land Surveyor's Board
Mr. Marshall Robinson	Board Member, WV Land Surveyor's Board
Mr. Greg Smith	Board Chairman, WV Land Surveyor's Board
Alfred Azevedo, P.E.	WVDEP, visitor of public meeting

After brief introductions of attendees present, both Boards shared thoughts on various topics including, but not limited to, the following:

1. Signing and sealing of electronically transmitted documents – Mr. Smith suggested that we jointly explore the issue, software availability, etc.
2. Proposed changes of the WV Surveyor's Law
3. WV PE Board's desire to have clarifications regarding the 30 surveying or surveying-related credit hours required to sit for the WV Surveyor's licensing exam. Mr. Smith indicated a willingness to draft a clear definition (or list) of acceptable courses that would be approved. Ms. Rosier indicated an interest in assisting Mr. Smith. The WV PE Board indicated that it would be difficult for them to support such without clarification of acceptable courses to be used in evaluating applicant qualifications.
4. Duties of Engineers vs. Surveyors was discussed in length. It is the opinion of the Board that both entities should work together to draft guidelines of responsibilities

of each profession similar to a cooperative agreement that exists between the Engineers and the Architects of WV. Such a document would allow for parameters of the work arenas for each profession rather than relying on the licensees professional judgments. Each Board is to develop a set of draft guidelines from their perspective that can then be shared and adapted in order to meet the needs of both professions.

After a productive afternoon, the Land Surveyor's Board representatives and guests dismissed themselves at 2:45 p.m..

The Board continues to receive several inquiries regarding operating practices of the WV Department of Environmental Protection. Among items of concern is that of the DEP requiring professional engineering services on projects but awarding the contracts to firms not possessing a COA or employing a WV Professional Engineer. Another concern is that of DEP certified professionals performing engineering services without being a registered PE. Mr. Gaddy indicated that this topic is one that needs to be handled in a meeting between high level staff of the DEP, the WV Purchasing Department, and representatives of the WV State Board of Registration for Professional Engineers. Mr. Wolfe moved, seconded by Mr. Saluja, that Mr. Gaddy attempt to contact the above named authorities to schedule a meeting in February. Motion carried.

Mr. Gaddy discussed the option of submitting Mr. Gene Weekley's name for a NCEES Distinguished Service award. After a motion by Mr. Wolfe, seconded by Mr. Saluja, the Board voted unanimously for Mr. Gaddy to draft the nomination application on behalf of the Board.

The Board will meet for an informal "work-session" on Tuesday, December 17, 2003. This session will be dedicated to drafting changes to the WV Laws, Rules and Regulations.

The next meeting of the Board will be held on January 17, 2003 at 8:00 a.m.. This meeting will take place on the Evansdale Campus of West Virginia University, Morgantown, West Virginia.

Upon motion of Mr. Saluja, second by Mr. Wolfe, the meeting adjourned at 4:30 p.m. The Board members will be compensated one day per diem plus travel expenses.

Frank L. Gaddy, P.E.
Board President

Leonard J. Timms, P.E.
Board Secretary