

**General Session Minutes**  
**State Board of Registration for Professional Engineers**  
**January 26, 2004**

The State Board of Registration for Professional Engineers met at the WVU College of Engineering and Mineral Resources Building, Andrews Conference Center in Morgantown WV on January 26, 2004. Those present for the general session were:

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

The meeting was called to order at 9:15 a.m.

Copies of the November 18, 2003 meeting board minutes were not available for review. Mr. Timms moved, with a second by Mr. Robinson, that approval of the minutes be postponed until the next Board meeting. Motion carried.

The Board expenditures were reviewed and questions answered by the group. A motion to approve the budget and P-Card expenditures was made by Mr. Robinson, seconded by Mr. Saluja. Motion carried.

There was discussion concerning the memo from the WV Department of Administration. Starting in the third quarter of 2004 the Finance group will begin billing for services provided to the Board. The cost will be based on an average transaction cost times the average number of board transactions. Using historical averages the quarterly cost to the board is estimated be \$1800. There was some discussion about assuming some of the responsibilities by Board personnel. This idea was explored and has been rejected at the present time. Every effort will be made by Ms. Rosier to receive a breakdown of this charge and minimize the cost to the Board. A motion to accept the charges was made by Mr. Robinson, seconded by Mr. Gaddy. Motion carried.

Ms. Rosier presented the Executive Director's report and addressed all Board comments and questions. Briefly, her comments noted the following:

- PDH audit was finalized, resulting in nine non-respondents who received suspension letters (two of which have been reinstated to date).
- Rules Modification is proceeding on schedule. Appropriate committee meetings are being attended and rules were approved by the LRMRC after minor changes. The word "fines" was changed to "penalties".
- The ELSES examination administration contract was finalized. ELSES will administer exams beginning in April 2004. A suggestion was made by Mr. Robinson that ELSES be informed about potential problems with proctor selection. Ms. Rosier will notify ELSES of the potential conflicts.
- October 2003 examinations results were presented and discussed noting that the WV PE pass rate was much lower than average.

Ms. Rosier discussed the status of the pending Surveyors Regulations and Rules update. Concern was raised about last minute changes being made to the legislation that would allow surveyors to perform engineering work. Ms. Rosier will work with Amy Clendenin, Executive Director of WVSPE/ACEC, to monitor the Surveyor legislation. They will notify the Board and any other affected groups should changes occur.

Ms. Rosier and Ms. Hamilton discussed the status of 5G Rules initiative. A group of interested parties is being contacted to form a QBS Council to address current and future issues regarding Quality Based Selection. Ms. Hamilton will draft comments from a January 23, 2004 meeting and circulate to the Board in the near future. Mr. Susman was contacted and has agreed to give this issue energy and attention in the near future. He will be contacted immediately for a meeting regarding the latest developments and problems voiced by the engineering community.

Mr. Timms requested that we draft Resolutions and By-Law changes to be taken before the NE Zone during our upcoming meeting in April 2004. He suggested contacting Alabama who had similar concerns regarding using active PE Board members (as opposed to Emeritus members) and have committee terms longer than 1 year. Ms. Rosier will have drafts prepared for the next meeting.

Mr. Gaddy moved that the Board move into executive session, second by Mr. Timms. Motion carried.

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

1. Comity applications approved by Ms. Rosier were reviewed and accepted. Mr. Timms moved that five comity applicants with special circumstances be approved and one rejected. Ms. Rosier will notify applicants. Motion seconded by Mr. Robinson and carried.

Comity/PE Applications for licensure with special circumstances:

Angelopoulos, Constantine P. (denied request for reconsideration)

Chen, Ning (approved)

Jalpota, Jang B. (approved)

Khatami, Farrokh (approved)

Sandru, Emil (approved)

Tercek, Mark (approved)

2. Mr. Robinson moved that an informal complaint concerning a metal building manufacturer be pursued immediately. Board staff will request receipt of documentation that said buildings are actually in WV and ask for specific locations. If legitimate, a formal complaint will be filed immediately on the Board's behalf and the formal investigation will begin. Motion seconded by Mr. Timms and carried.

The WV Code Officials Association pending legislation was discussed. They are working with the AIA to make building codes and inspections mandatory statewide. The current law leaves it up to individual cities and counties to decide. No action needed.

A sample of a flyer from the North Carolina Engineering Board defining engineering versus architect work was reviewed. The Board was reminded that it had committed to work with the Architects Board to update the jointly developed "Handbook for Building Officials". Another meeting with the Architects will be scheduled by Lexa Lewis to determine a plan of action to revise this document during 2004.

The upcoming WV EXPO was discussed. In addition to our regular session offered by the Board which is sponsored by ASCE to present an update concerning recent Board changes, a Professional Services seminar is being jointly offered with the Architects Board. Board members made it clear there should be no charge to encourage attendance by affected parties. Details will be available at the March meeting.

The questionnaire from the Licensure Qualifications Oversight Group was reviewed. It was agreed by the Board that all answers be submitted to show the lack of agreement within the board on most issues. The Board was unanimous on not creating another engineering designation. They felt it would create even more confusion to the public. Ms. Rosier will send the response to the LQOC along with a statement against creating different licensure tracts or additional engineering designations.

The dedication of the new NCEES Facility will be held in March in Clemson, SC. Mr. Timms moved that the board pay the expenses and time for Mr. Gaddy to attend the dedication. Motion seconded by Mr. Robinson and carried.

Two COA issues were discussed. Ms Rosier will contact Concrete Technology to determine if they are actually doing engineering work in WV or only selling engineered products. The request by Environmental, Engineering & Construction, Inc. to be allowed to use the name in the state without a COA was denied. They, along with the WV Secretary of State, will be notified.

The proposed Board meeting schedule was approved with one change, the July meeting was moved from to July 19<sup>th</sup> to July 26<sup>th</sup>. The revised schedule will be posted on the web-site.

Upon motion of Mr. Timms seconded by Mr. Robinson, the meeting adjourned at 11:45 a.m. The Board members will be compensated for 2 days per Diem plus travel expenses.

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**Frank L. Gaddy, P.E.**  
**Board President**

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**Leonard J. Timms, P.E.**  
**Board Secretary**