

**General Session Minutes
State Board of Registration for Professional Engineers
July 18, 2005**

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street - Suite 910 Charleston, WV on July 18, 2005. Those present for the general session were:

Leonard J. Timms, Jr.	President
Edward L. Robinson	Vice-President
Bhajan S. Saluja, Jr.	Secretary
Richard E. Plymale	Member
Lesley L. Rosier	Executive Director
Don Johnson	Board Investigator
Debra Hamilton	Legal Counsel

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

The Board meeting minutes of May 16, 2005 (both executive and general session) were approved as read.

A motion to approve the May-June expenditures and purchasing card transactions was made by Mr. Plymale, seconded by Mr. Saluja. Motion carried. The FY2006 agency budget, previously approved at the May meeting, has been accepted and approved by the State Budget office and Governor's office.

Effective January 2006, privatization of WV Worker's Compensation will occur. A slate of officers for the new State Worker's Compensation Board was submitted to this Board for approval. A motion was made by Mr. Saluja, seconded by Mr. Plymale to approve the slate as presented. Motion carried.

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

The April FE/PE exam results were discussed. There continues to be concern with the pass/fail rates for the exams. With the statistical information on the exam results now in hand, Ms. Rosier will compile the information by school and program and provide it to the Board at or prior to their next meeting. Ms. Rosier presented newsletter articles of other states who are having higher pass rates. She intends to talk to those Boards to see what, if anything, they are doing to assist in these improved pass rates.

Planning is in progress for a Marathon Weekend review session for the PE exam being offered by the WV Younger Member Forum of ASCE. Minor difficulties have been encountered in finding instructors. While none of the schools offering ABET engineering programs have expressed an interest in offering a PE review course in WV, the WV Board remained committed to offer their financial assistance in the form of an educational grant to any legitimate group (university or professional society) accepting an offer to assist. With the majority of the WV PE candidates taking the Civil Engineering exam, WV ASCE accepted the challenge. In addition to financial assistance, the Executive Director will also assist in advertising the course to upcoming PE applicants as well as provide a one-hour opening presentation to the participants to orient them to the exam format, scoring procedures, calculator issues, etc. just as she does for the WV colleges and universities as they prepare their students for the FE. However, due to the potential for a

conflict of interest perception, she continues to reject offers to assist in the direct teaching of review material in her area of engineering expertise.

Beginning in October 2005, NCEES will no longer be providing the Boards or candidates with numerical exam scores. They will simply provide a notification of pass or fail, in addition to the diagnostic reports for unsuccessful candidates with a breakdown on how they did in the various areas which should assist them to better prepare for future exams. NCEES offers the exam scores to the individual Boards on a request basis but after further consideration, the WV Board current sees no need for requesting numerical scores. The Board directed Ms. Rosier to send a follow-up letter to NCEES informing them of their wishes, but providing notice that they would like to keep the option open to retrieve the numerical scores in the future, or on an as-need basis.

ELSES continues to seek a replacement for the Chief Proctor for the Morgantown FE exam. An acceptable candidate has been submitted to the Board by ELSES. Ms. Rosier will contact ELSES staff to notify them of the Board's endorsement for the position.

The annual renewal process continues. Receipt of payments is well ahead of previous year's with much of the credit given to the on-line renewal process. As of July 15, 2005, 92.2% of the PE's, 88.5% of the Retired PE's and 91.8% of the COA's have renewed. Overall 38.3% renewed on-line to date. The third and final courtesy notice is scheduled to be mailed during the first week of August. Final notices regarding the official lapse of licenses and COA's will be sent by certified mail no later than October 10, 2005. Preliminary review of the renewal submissions indicates that there are fewer obvious problems with PDH's than in previous years, likely credited to the increased educational awareness programs provided by Board staff and, in particular, the substantial efforts of the Board's Investigator.

Work is in progress to develop and offer a fall course for Engineers and Surveyors to cover ethics, timely professional topics and current WV Code relevant to both professions. The Board staff intends to work jointly with the Surveyors Board, the WV ASCE and other professional societies to put on a very large event.

Host plans for the 2006 NCEES Zone meeting scheduled for Charleston continue. The hotel contract has been secured with Embassy Suites and contact has been made with the Governor's office to see if the mansion is available for an evening reception. Ms. Rosier will contact the Governor's office to see if Mrs. Gail Manchin is available to speak to the attendees about the current renovation projects of the home. Additional planning of special tours and after-hour events continue.

The 2005 NCEES Annual Meeting is scheduled for August 24-27, 2005 in Memphis. Attendance was encouraged for all Board members. There are several items on the agenda which have will be of great interest to the Board.

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

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

1. The Board directed Ms. Hamilton to continue negotiations for a consent agreement with the respondent on complaint C2004-2.
2. The Board directed Ms. Hamilton to begin the collection process on complaint C2004-7. Total penalties of \$25,000 were assessed against the respondent along with \$1000 for administrative cost.

3. The Board directed Ms. Hamilton to schedule a hearing on complaint C2005-4 for September 19, 2005.
4. The Board directed Ms. Hamilton to attempt to negotiate a consent agreement on complaint C2005-5.
5. The Board took the following actions on Special Cases for Comity Application approval:
 - a) Jeffrey W. Kuehn's application was denied due to being a graduate from a non-ABET approved program.
 - b) Michael Draper's application was approved.
 - c) Eric S. Moe's application was approved effective January 1, 2006.
 - d) John L. Jacob's application was approved.
6. The Board approved merit raises for all Board staff effective immediately. Additional personnel discussions resulted in Mr. Don Johnson, Board Investigator and Professional Engineer, being granted authority by the Board to serve as lead staff for the agency in Ms. Rosier's absence due to forthcoming maternity leave. The anticipated timeframe for Ms. Rosier's absence is November-December 2005.

The Board elected officers for FY 2006. The slate remains the same and as follows:

Leonard J. Timms, Jr.	President
Edward L. Robinson	Vice-President
Bhajan S. Saluja, Jr.	Secretary

Proposed revisions to the WV engineering rules were discussed. The proposed revisions will be submitted for the 2007 legislative session. Mr. Johnson and Ms. Hamilton have been charged with this responsibility and will begin to work on the revisions for presentation at the next Board meeting.

Ms. Rosier informed the Board she had been in contact with the Governor's office regarding vacancies on this Board. Once again, all indications were made that appointments should be made during the next Special Session currently scheduled for September 2005.

Preparation of Goals and Objectives for FY 2006 was discussed. President Timms provided some direction and a "homework assignment" for Board members and staff. Defining agency and staff Goals and Objectives will be on the agenda for the September meeting but Ms. Rosier is to provide the Board with her initial plans prior to the meeting.

The next Board meeting will be held on Monday September 19, 2005 at 9:00 a.m. The meeting will take place in the Office of the WV State Board of Registration for Professional Engineers, 300 Capitol Street – Suite 910, Charleston, West Virginia.

Upon motion by Mr. Saluja, seconded by Mr. Plymale, the meeting adjourned at 11:45 a.m. for lunch.

The Board reconvened at 1:45 p.m. to conduct a hearing on complaint C2004-6. Ms. Whitney Evers served as the court reporter. The hearing was opened to the public by action of the Board. Both parties and their attorneys were present for the hearing. The complainant and his attorney also attended the hearing. Testimony and exhibits were offered by both sides. At the close of the hearing, Mr. Timms instructed both attorneys to submit Findings of Fact and Conclusions of Law to arrive at the Board's office no later than August 19, 2005. The Board will review those documents submitted and render a final decision at the September Board meeting.

Upon motion by Mr. Plymale, seconded by Mr. Saluja the hearing adjourned at 4:20 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