

General Session Minutes
State Board of Registration for Professional Engineers
March 22, 2022

The West Virginia State Board of Registration for Professional Engineers met at their office in Charleston on Tuesday, March 22, 2022. Those present for all or part of the meeting were:

Garth E. Thomas	President
Larry C. Nottingham	Vice-President
L.A. Gates	Secretary
Bhajan S. Saluja	Member
Edward L. Robinson	Member
Lesley L. Rosier-Tabor	Executive Director
Edward Eagloski	Board Counsel

The meeting was called to order at 9:05am. Mr. Robinson participated initially by teleconference, and appeared in person at 9:20am. The Board meeting minutes for the January 18, 2022 meeting were reviewed. A motion to approve the minutes was made by Dr. Nottingham, seconded by Mr. Gates. Motion carried.

A motion to approve the budget, current expenditures, and purchasing card transactions was made by Dr. Nottingham, seconded by Mr. Robinson. Motion carried.

A motion was made by Mr. Gates, seconded by Dr. Nottingham, to approve the execution of the lease with KVB Partners, for another 5-year term beginning October 2022 through September 2027, for the Board's office space at 300 Capitol Street, Suite 910, Charleston, WV. Ms. Rosier will sign the lease documents and send them back to the WV Department of Administration, Real Estate Division, so they can process, sign and send off to obtain the required signatures from the Lessor and the WV Attorney General's Office.

Ms. Rosier updated the Board on her recent meeting with the WV Office of Technology team regarding logistics and cost associated with transitioning IT services providers. The Board reviewed responses to staff questions and cost estimates required for a conversion to the state network, as well as ongoing support costs thereafter. Ms. Rosier is to schedule a follow-up meeting to review the following: updated expense projections, address additional questions and confirm physical needs, back-up services available, ability to continue to use recently purchased software, and the timeframe required for such a transition.

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

- Ms. Rosier reported on the successful completion of numerous virtual meetings and trainings in the last 2 months, including NCEES, ARPL, ASCE, PEIA open enrollment, etc.

- Ms. Rosier shared her involvement with several 2022 National Engineers Week activities, as well as a few that took place after E-week due to scheduling needs of the various participants.
- Ms. Rosier provided a status report on a number of special projects that she and staff have been working on and are wrapping up now that the COA renewal season has ended.
- Ms. Rosier reminded the Board to begin thinking about any newsletter article topics and to submit any ideas to her prior to the next Board meeting.

A motion was made by Mr. Saluja, seconded by Dr. Nottingham, to approve attendance and travel for Board members, staff and counsel to the upcoming activities as discussed and outlined in the Executive Director's report and the updated calendar. Motion carried.

Prior to entering into Executive Session, the Board's Counsel provided the details of the resolution of Complaints C2022-05, C2022-07, C2022-08, and C2022-09. The consent orders have been posted on the Board's website.

Mr. Saluja made a motion to enter into Executive Session at 9:45am, seconded by Dr. Nottingham. Motion carried.

Mr. Robinson excused himself and exited the room, as to not be part of any discussion or decision making regarding C2022-12 and C2022-13.

At 11:15am, Mr. Saluja made a motion, seconded by Dr. Nottingham, to move into General Session. The motion carried, and the Board took the following action:

- Mr. Saluja made a motion, seconded by Dr. Nottingham, to "Receive and File" Complaint C2022-12, and to set said Complaint for a hearing on 9/20/2022. Motion carried.
- Mr. Saluja made a motion, seconded by Dr. Nottingham, to "Receive and File" Complaint C2022-13, and to set said Complaint for a hearing on 9/20/2022. Motion carried.
- Dr. Nottingham made a motion, seconded by Mr. Gates, to move I2022-12 to Complaint. Motion carried. Furthermore, Dr. Nottingham made a motion, seconded by Mr. Gates, to "Receive and File" Complaint C2022-14, and set said Complaint for a hearing on 9/20/2022. Motion carried.
- Mr. Gates made a motion, seconded by Dr. Nottingham, to move I2022-13 to Complaint. Motion carried. Furthermore, Mr. Gates made a motion, seconded by Dr. Nottingham, to "Receive and File" Complaint C2022-15, and set said Complaint for a hearing on 9/20/2022. Motion carried.
- Mr. Gates made a motion, seconded by Dr. Nottingham, to move I2022-14 to Complaint. Motion carried. Furthermore, Mr. Gates made a motion, seconded by Dr. Nottingham, to "Receive and File" Complaint C2022-16, and set said Complaint for a hearing on 9/20/2022. Motion carried.
- Mr. Gates made a motion, seconded by Dr. Nottingham, to move I2022-15 to Complaint. Motion carried. Furthermore, Mr. Gates made a motion, seconded by Dr. Nottingham, to "Receive and File" Complaint C2022-17, and set said Complaint for a hearing on 9/20/2022. Motion carried.

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- Mr. Gates made a motion, seconded by Dr. Nottingham, to move I2022-28 to Complaint. Motion carried. Furthermore, Mr. Gates made a motion, seconded by Dr. Nottingham, to “Receive and File” Complaint C2022-30, and set said Complaint for a hearing on 9/20/2022. Motion carried.
- Mr. Gates made a motion, seconded by Dr. Nottingham, to move I2022-29 to Complaint. Motion carried. Furthermore, Mr. Gates made a motion, seconded by Dr. Nottingham, to “Receive and File” Complaint C2022-31, and set said Complaint for a hearing on 9/20/2022. Motion carried.
- Mr. Gates made a motion, seconded by Dr. Nottingham, to move I2022-30 to Complaint. Motion carried. Furthermore, Mr. Gates made a motion, seconded by Dr. Nottingham, to “Receive and File” Complaint C2022-32, and set said Complaint for a hearing on 9/20/2022. Motion carried.
- Mr. Gates made a motion, seconded by Dr. Nottingham, to move I2022-31 to Complaint. Motion carried. Furthermore, Mr. Gates made a motion, seconded by Dr. Nottingham, to “Receive and File” Complaint C2022-33, and set said Complaint for a hearing on 9/20/2022. Motion carried.
- Dr. Nottingham made a motion, seconded by Mr. Saluja, to move I2022-32 to Complaint. Motion carried. Furthermore, Dr. Nottingham made a motion, seconded by Mr. Saluja, to “Receive and File” Complaint C2022-34, and set said Complaint for a hearing on 9/20/2022. Motion carried.
- Dr. Nottingham made a motion, seconded by Mr. Saluja, to move I2022-33 to Complaint. Motion carried. Furthermore, Dr. Nottingham made a motion, seconded by Mr. Saluja, to “Receive and File” Complaint C2022-35, and set said Complaint for a hearing on 9/20/2022. Motion carried.
- Dr. Nottingham made a motion, seconded by Mr. Gates, to “Receive and File” Complaint C2022-36, and to set said Complaint for a hearing on 9/20/2022. Motion carried.
- Mr. Saluja made a motion, seconded by Dr. Nottingham, to “Receive and File” Complaint C2022-37, and to set said Complaint for a hearing on 9/20/2022. Motion carried.

The Board acted upon the special case files as follows:

- Mr. Robinson made a motion, seconded by Mr. Saluja, to deny Etzel Engineer and Build, Inc. a Business Entity – DBA Waiver. Motion carried.

The Board recessed the General Session at 12:05pm for lunch and resumed the General Session at 12:35pm.

Ms. Rosier had no significant COVID-19 updates to report since the last meeting. While most state government meetings and training sessions are still being held virtually, there are plans for face-to-face conferences returning for both state and NCEES meetings.

Ms. Rosier reported that Edward Eagloski, Board Counsel, has been approved by the NCEES Board of Directors for Associate Membership with NCEES. The Board congratulated Mr. Eagloski, noting he will now be eligible to serve on NCEES Committees and attend NCEES functions as an official delegate as needed.

Ms. Rosier presented the Board with the 2021 NCEES Annual Report, Squared publication, as well as the 2021 Annual Meeting minutes, all of which were received at the Board office since the January Board meeting. Ms. Rosier also reviewed the 2022 NCEES Annual Meeting information, noting the deadline for NCEES funded-delegates is May 2nd and prior to the Board's next meeting. For this reason, she is asking any Board member interested in attending August 23-26, 2022, in Carlsbad, CA, to contact her in April.

Ms. Rosier provided a summary of the 2022 NCEES Member Board Administrator's (MBA) Meeting, held virtually on February 3, 2022. President Thomas, who is also chair of the NCEES Education Committee, provided the Board with an update on their work and that he would be presenting their report at both the NE Zone Meeting as well as the 2022 NCEES Annual Meeting in August. He also reported on attending his first face-to-face NCEES meeting which took place at the new NCEES Headquarters building in Greenville, SC. Ms. Rosier reminded Board members to respond to the 2022-2023 NCEES standing committee interest survey email if they were interested in future committee participation.

Ms. Rosier provided an update on the 2022 NCEES NE Zone meeting, noting it is still scheduled to be held in person and on April 28-30, 2022 in Newport, Rhode Island. She reminded those attending (President Thomas, Dr. Nottingham and Mr. Eagloski) to be sure to secure their travel arrangements as soon as possible.

Ms. Rosier provided the Board with an update on the close of the 2022 WV Legislative Session. Despite the Board not submitting any legislative rule changes for consideration, during the last week of session, SB334 was amended in committee with a full strike and insert to include an unexpected 10% reduction in all fees charged by the WV PE Board as well as a number of other Chapter 30 Boards. This amendment came as a surprise to Board members and staff given they had just reduced and removed a number of fees in 2020. Ms. Rosier, along with several other Chapter 30 Board representatives, appeared before the House Government Organization Committee later that week to provide testimony and answer a number of questions posed by Committee members. However, the amended bill was passed on the last night of the regular 2022 WV Legislative Session. A motion was made by Mr. Robinson, seconded by Mr. Saluja, to file the necessary documents to amend Legislative Rule W.Va. §7 C.S.R. 1, as it appears in SB334, once signed into law and further instruction is provided by the WV Secretary of State's Office regarding this unique circumstance. Based on Ms. Rosier's understanding of the final filing process and required timelines, the Board's new fee structure will likely go into effect no later than August 1, 2022.

Mr. Robinson provided the Board with a concern that was brought to his attention regarding WVSU and their non-accredited Civil and Chemical Engineering programs currently being offered in Institute, WV. Ms. Rosier provided some additional insight and historic documentation on what appeared to initially be a 2+2 program in cooperation with WVU. President Thomas indicated he had been in contact with the program chair at WVSU and has a meeting scheduled with him later this week.

Ms. Rosier provided the Board with a response regarding engineering surveys for their review and discussion. No changes were recommended.

The Board reviewed the latest edition of the Professional Licensure Report (PLR).

Ms. Rosier provided the Board with details regarding plans for the next 2 days to be spent at the 2022 WV Equipment and Design Exposition (EXPO), including staffing our WV PE licensure information booth and conducting a 2-hour continuing education seminar. The Board reviewed the content of the 2022 WV EXPO presentation slides, which will be presented by Ms. Rosier, Mr. Eagloski, as well as Amber Legg of the WV Professional Surveyors Board. It should be noted that all WV PE Board members plan to be in attendance for this session.

Ms. Rosier provided a final COA Renewal Season summary. All COAs not renewed before February 1, 2022 were updated to “Lapsed” status and the firms (and named Engineers In Responsible Charge of said firms) were contacted via certified mailings sent out the first week of February. Additionally, eight (8) firms with active COAs that were found to be in default with the WV Worker’s Compensation and/or Unemployment Divisions were contacted via certified mailings as well.

Upon motion by Mr. Robinson, seconded by Dr. Nottingham, the Board voted to adjourn the meeting at 1:30pm. The next Board meeting will be May 17, 2022, in Charleston. The Board members will be compensated one day per diem plus travel expenses.

Garth E. Thomas, Jr., P.E.
Board President

Leslie A. Gates, P.E.
Board Secretary