

General Session Minutes
State Board of Registration for Professional Engineers
January 24, 2012

The State Board of Registration for Professional Engineers met in their offices at 300 Capitol Street in Charleston, WV on Tuesday, January 24, 2012. Those present for all or part of the meeting were:

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

The meeting was called to order at 9:00 AM and the agenda was rearranged to accommodate staff schedules. The Board meeting minutes for November 17, 2011 (both executive and general session) were reviewed. A motion to approve the minutes was made by Mr. Pierson, seconded by Mr. Saluja. Motion carried.

It was announced to the Board that its President, as the Board's presiding officer, granted Respondent's written motion to continue the hearing scheduled for this date on the ORDER TO SHOW CAUSE complaint C2009-12 on Respondent's promise to appear on March 20, 2012. The Board was also advised that the hearing on Complaint C2012-04 will be re-noticed at the request of Respondent's recently acquired counsel, who will appear at 11:00 AM for an informal conference.

Mr. Timms moved to enter into Executive Session at 9:10 AM, seconded by Mr. Plymale. Motion carried. The meeting recessed at 11 AM for the informal conference on C2012-04, during which Mr. Robinson recused himself and exited the room, after which a lunch break was taken. The Executive Session resumed at 12:45 PM. At the conclusion of the Executive Session, Mr. Timms moved to enter into general session with a second by Mr. Pierson. Motion carried and the Board took the following actions:

1. Upon motion by Mr. Timms, seconded by Mr. Pierson, the Board agreed to send a letter to the WV DOH regarding issues that arose in connection with complaint C-2012-04.
2. Mr. Timms moved that complaint C2012-05 be scheduled for hearing at the March Board meeting unless resolved. Motion was seconded by Mr. Pierson and carried.
3. Upon motion by Mr. Saluja, seconded by Mr. Timms, the Board moved to dismiss Respondent #1 and the Respondent Firm on jurisdictional grounds in complaint C2012-06 and, upon Complainant's approval, to stay the complaint as to Respondent #2 until a licensing board with more direct ties to the allegations has acted on the complaint.

4. Mr. Timms made a motion that complaint C2012-07 be stayed until the respondent's appeal is heard in the WV Supreme Court. Motion was seconded by Mr. Saluja and carried.
5. The Board had no objection to the staff holding the filing of the complaint on inquiry I2011-16 pending review of information received after the November Board meeting.
6. Mr. Pierson made a motion that inquiry I2012-06 be received and filed as a Board-initiated complaint. Motion was seconded by Mr. Plymale and carried.

Based on a motion by Mr. Pierson, seconded by Mr. Saluja, the Board took the following actions on Special Cases for Board Action:

1. Kate E. Candillo's request for reconsideration of her comity file was approved after the Board reviewed her NCEES Credentials Evaluation.

The Board budget summaries for November and December 2011 were received and reviewed. The detailed purchasing card expenditures were also received and reviewed. A motion to approve the current expenditures and purchasing card transactions was made by Mr. Plymale, seconded by Mr. Timms. Motion carried. Ms. Rosier discussed the difficulty she has had getting the server replaced. A motion was made by Mr. Timms, seconded by Mr. Saluja to proceed with the direct purchase of the new server, software and peripherals. Motion carried. Ms. Rosier also reported that the Board room projector system had failed and a quick review by our IT contractor indicated the 10-year-old unit likely needed replaced. Ms. Rosier will schedule an appointment with the original vendor who installed the system to verify its demise. A motion was made by Mr. Pierson, seconded by Mr. Saluja, to purchase and install a new system if necessary. 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. She also reviewed the office's schedule of upcoming activities. A motion was made by Mr. Timms, seconded by Mr. Saluja, to approve attendance and travel for Board member and staff activities outlined in the Executive Director's report and updated 2012 calendar of events. Motion carried.

The October exam results were discussed. The pass rate on the PE exam for first-time takers was 63.6%. For repeat takers the pass rate was 28%. The overall pass rate was 50.7%. The pass rate on the FE exam for first-time takers was 58.3%. For repeat takers the pass rate was 33.3%. The overall pass rate was 51.8%.

The PDH audit was finalized the first week of December. There were no license invalidations as a result of the audit. However, five (5) firms had their COA invalidated due to EIRC issues. A courtesy correspondence and questionnaire is being sent to those registrants with confusing or incomplete COA responses on their renewal forms. A copy of the correspondence was provided for Board comment. The mailing should go out in early February. The Personalized Status Reports are also being prepared to be mailed in conjunction with the 2012 PE Board newsletter in late February.

Ms. Rosier noted that the newsletter is going to print this week and called for all final comments from the Board, staff and counsel.

The upcoming 2012 calendar was reviewed. Ms. Rosier reminded the Board that the May meeting had been moved to Thursday, May 24th and that all 2012 meeting dates have been properly noticed and posted via the WV Secretary of State's website.

Mr. Timms reported on his recent activities as NCEES Past-President which included:

- The CBT implementation schedule has been moved back and implementation is now scheduled for 2014. It appears that the Fundamentals of Surveying (FS) exam may be implemented first.
- Mr. Timms was the keynote speaker for a joint Northern Branch meeting for ASCE, WVSPE and AACE. Two particular items of interest during the meeting discussions involved the notion of most undergraduate programs being pushed toward a 120-hour degree requirement.

Mr. Pierson reported on his upcoming NCEES meeting in Clemson. The new FE exam specifications being prepared for CBT will reduce the breadth and depth of the exams. There will be a limited number of cross discipline questions. The effect of this proposed change is unknown.

Ms. Rosier reminded the Board to complete their NCEES committee preference surveys. Electronic responses are due by February 14th.

The NCEES Northeast Zone meeting is scheduled for May 3-5, 2012. Information is now available and registration begins on January 31st.

The Board discussed at length the use of the NCEES Credential Evaluation service to evaluate not-ABET-accredited U.S. degrees. The Board decided to continue to evaluate exam and comity applications in the same manner as in the past but asked that Mr. Timms discuss the various credential evaluation issues with the NCEES Board of Directors at their upcoming February meeting.

The details of the NCEES Institutional Exam Reports were discussed. As it is now, accurate reporting of exam statistics to the individual schools depends on the student who is entering the data to provide correct and current information regarding his/her educational history. The Board asked Ms. Rosier to continue to follow up with NCEES to see what can be done to improve the reporting since NCEES clearly markets the FE exam not only for purposes of licensure, but as a program assessment tool for colleges and universities throughout the US and the world, and they have a duty to provide the most reliable information.

The re-write of the Engineering Practice Act for submission to the legislature in 2012 was discussed. Staff and AG counsel were unable to have the draft re-write ready for the Board to review in enough time to submit this year. The act will have to be revised in 2013 to comply with NCEES CBT changes.

Discussions regarding the composition of licensing boards took place, and it was reported that many Chapter 30 Boards, when their legislation is amended, have been required to add at least one citizen member. The Board's preferences will be discussed and included in the legislation being drafted by the Board.

The Board discussed the upcoming 2012 WV EXPO. The Board plans to continue to have an exhibitor booth and to conduct a 1.5 - 2 hour seminar on engineering licensure in conjunction with a joint session with the WV Society of Professional Engineers honoring our successful 2011 WV FE and PE examinees.

Ms. Rosier discussed a recommendation from the September Board meeting to run an ad in the Engineering Outlook Section of the Charleston newspapers focusing on the importance of engineering licensure and our charge to protect the health, safety and welfare of the public. The Board affirmed its desire to run an article and accompanying ad that would outline the acceptable ABET-approved programs offered at each of the WV colleges and universities. Ms. Rosier will immediately develop and place the ad prior to the February 9th deadline so it can be published in late February during National Engineers Week.

Ms. Rosier discussed a recent advisory opinion from the Ethics Commission. The commission found that the Executive Director of a Chapter 30 Board may not serve as an officer or employee of a professional association relating to the profession which the Board regulates. The opinion on whether or not a Board member could serve as an officer in a professional society was not as clear. The commission says that the Board member's priority is to the public and that when a conflict arises between the Chapter 30 Board's position on legislation and that of the Association, the Association officer must give his loyalty to the Board. In addition, the opinion states that when a Board member is speaking or lobbying on an organization's behalf and the Board has not taken a position, should clearly identify himself as speaking as an Association officer on the Association's behalf.

Ms. Rosier commented on the recent meeting of the Association of Licensing Boards that she and Ms. Rubenstein attended. The Association was considering a request for an Attorney General's ruling on a number of items. The major item affecting this Board is §30-1-10 which states that "[w]hen the special fund of any board accumulates to an amount which exceeds twice the annual budget of the board or ten thousand dollars, whichever is greater, the excess amount shall be transferred by the state treasurer to the state general revenue fund." As the law is currently written, this limits this Board's ability to go to full biennial renewals as the first year of implementation would see quite an excess in deposits that would be swept while the following year would have no renewal revenue and leave the Board with little to operate on. The other item of interest being discussed by the Association was the Department of Personnel's FTE fees. A number of Boards have refused to pay these fees since they currently receive no services from the DOP.

The Board recessed the meeting in General Session at 2:45 PM to conduct exam interviews. The General Session resumed at 4:05 PM, immediately following the exam interviews. The Board members briefly discussed the outcome of their exam candidate interviews and were then reminded that the next Board meeting is scheduled for Tuesday, March 20, 2012. The meeting will take place in the Board offices at 300 Capitol Street in Charleston, WV.

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

Edward L. Robinson, P.E.
Board President

Bhajan S. Saluja, P.E.
Board Secretary