

MINUTES OF MEETING #297
OF THE WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS
December 13, 2018
BOARD OFFICE, CHARLESTON, WEST VIRGINIA



Present: R. Michael Shepp, *Chairman*
Sefton R. Stewart, *Secretary*
James T. Rayburn, *Member*
Gary D. Facemyer, *Member*
Douglas C. McElwee, Esq., *Public Member (arrived 10:38 a.m.)*
Keith D. Fisher, Esq. *Attorney General Counsel*
Kristi A. Justice, *Executive Director*

Absent: None

The Chairman called Meeting #297 to order at 10:34 a.m. on Thursday December 13, 2018 and noted that the meeting was properly noticed by the West Virginia Secretary of State.

Mr. Sefton Stewart made a motion, seconded by Mr. Tom Rayburn to enter Executive Session pursuant to *W. Va. Code §6-9A-4(b)(7)* to discuss complaints at 10:35 a.m. Motion carried.

The Board reconvened in regular session at 11:12 a.m.

Summary of the Executive Session was read aloud by the Executive Director. Mr. Sefton Stewart made a motion, seconded by Mr. Douglas McElwee to approve the items discussed in the Executive Session. Motion carried with Mr. Rayburn recused from all.

C19-(Runyon) – Open Complaint & ask for PS Response

C19 (Adkins) – Open Complaint & ask for PS Response

C19 (Farley) – Open complaint & ask for PS Response

C19-02– Dismiss this is a court case and out of the jurisdiction of the board

C19-03 – PS to contact complaint to resolve the issue with the City of Charleston Planning Commission & provide a response to the WVBPS in 30 days

C19-01- Ask PS for additional Information (maps, field notes, etc.)

C13-01- Final order received reversing decision by WVBPS; Case dismissed

C18-03- waiting on expert witness report

C18-05- Attorney prepared Statement of Charges

Delegations or Public Concerns

- None

WVSPS Liaison

- Mr. John Green in attendance nothing to report at this time

Minutes – Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart to approve the Minutes of Meeting #296 (October 24, 2018) as written. Motion carried.

Financial Report – The Executive Director provided the financial expenditure report with a Cash (Budget) balance as follows:

P- Card Charges Discussed & Approved
October 31, 2018 - \$ 204,659.71 (\$144,727.98)
November 30, 2018 - \$ 210,529.12 (\$136,746.16)

Mr. Sefton Stewart made a motion, seconded by Mr. Gary Facemyer to approve the P-Card Charges.

Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart to approve the financial and expenditure reports. Motion carried.

2018 Fall Exam New Licensees (PS #'s 2378-2386)

Mr. Tom Rayburn made a motion, seconded by Mr. Douglas McElwee to approve the 2018 Fall Exam New Licensees (PS #'s 2378-2386) having passed the required examinations for licensure as a West Virginia Professional Surveyor. Motion carried.

2019 Continuing Education Audit

Mr. Stewart & Mr. Facemyer reported that they had completed the 2018 continuing education required audit of 5% of active licensees with everyone complying.

Update Lunch with PE Board

Mr. Tom Rayburn, Mr. Gary Facemyer and Executive Director had lunch with PE Board on November 13, 2018. Mr. Gary Facemyer provided the board an update on the discussion during the lunch. The items included: Producing our own educational pamphlet for our licensees, the pros and cons of 2-year license renewals and other opportunities for the PE and PS Board to partner.

Complaints Review

Mr. Gary Facemyer discussed the possibility of having an outside party screen complaints, as they are received by the WVBPS. The board discussed this at length, at this time does not see a need for an outside party screening received complaints at this time.

WV State Specific Exam

Mr. Gary Facemyer discussed the preparation of the WV State Specific Exam and board discussed the process of how the state specific exam is prepared.

An examinee submitted a written request asking for the WVBPS to rescore his October 2018 exam results. Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart to deny the request. Motion carried with Mr. Gary Facemyer recused due to conflict of interest.

2 Year License Renewal

Mr. Gary Facemyer discussed the possibility of the WVBPS exploring 2-year license renewals.

Unlicensed Practice of Surveying Codes and Rules

Mr. Gary Facemyer discussed unlicensed practice of surveying in West Virginia. The board discussed this issue and ask Mr. Keith Fisher, WV Attorney General Counsel, to assist the board in researching this matter.

Dual COA Request (#5510 Pigeon, WV & #5864 Ripley, WV)

Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart to approve the Dual Surveyor-In-Charge request for COA (#5510 Pigeon, WV) & (#5864 Ripley, WV) until February 29, 2019. Motion carried.

Survey Inter #204 Request

Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart denning the request from SI #204 to submit the plat with only one line of the boundary surveyed with the application or the WV Professional Surveying Examination. Motion Carried.

Consideration of the Updated WVBPS Expenditure Internal Control Policy

Mr. Gary Facemyer made a motion, seconded by Mr. Tom Rayburn to approve the updated WVBPS Expenditure Internal Control policy presented by the Executive Director. Motion carried.

Consideration of the WVBPS Records Retention & Disposal Schedule

Executive Director is in the process of preparing the WVBPS Records Retention & Disposal Schedule and will bring it to the WVBPS at the next regular scheduled board meeting.

Cost Analysis on WVBPS Database

Executive Director, Kristi Justice, presented a cost analysis for an updated database system for the WVBPS. Executive Director is to contact WV Interactive to request a proposal.

Consideration of Scanning / Shredding


Executive Director, Kristi Justice, presented the quote from Percision Services, Inc. for scanning/shredding. The WVBPS will explore this option in the future.

Executive Directors Report:


Executive Director, Kristi Justice, provided the board with a copy of the Executive Directors Report

There being no further business, Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer, that the meeting adjourn at 1:28 p.m. Motion carried.

Respectfully Submitted:



R. Michael Shepp, P.S., Chairman



Sefton Stewart, P.S., Secretary