

MINUTES OF MEETING #326
OF THE WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS

April 13, 2022
Charleston, WV



Present: Sefton R. Stewart, Chairman
James T. Rayburn, *Secretary*
Gary D. Facemyer, *Member*
Lantz Rankin, *Member*
Douglas C. McElwee, Esq., *Public Member*
Joanne M. Vella, *Assistant Attorney General*
Amber Shawver Legg, *Executive Director*

Guest: John Green, P.S.

Absent: N/A

The Chair called Meeting #326 to order at 10:02 a.m. on Wednesday, April 13, 2022, and noted that the meeting was properly noticed by the West Virginia Secretary of State.

Delegations or Public Concerns

None

Executive Session

Mr. Lantz Rankin 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 10:03 a.m. Motion carried.

The Board reconvened in regular session at 11:56 a.m.

Summary of the Executive Session was read aloud by the Executive Director. Mr. Gary Douglas McElwee made a motion, seconded by Mr. Gary Facemyer to approve the items discussed in the Executive Session regarding complaints. Motion carried with Mr. Lantz Rankin recused from all complaints.

C18-03 – Proceed to schedule a hearing.

C18-05 - Proceed to schedule a hearing.

C21-02 – Proceed to schedule a hearing.

C22-04 – Dismiss the complaint, fulfilled requirements

C22-05 – Request more information from the PS

C22-06 - Request more information from the PS

C22-07 - Dismiss the complaint due to the matter being a contractual dispute

C22-08 - Dismiss the complaint as the contractual dispute has been resolved

C22-10 - Open the complaint and ask for the PS response.

C22-11 - Open the complaint and ask for the PS response.

C22-12 - Open the complaint and ask for the PS response.

C22 (Bair, Goodie & Associates) – Complaint withdrawn

Board AdministrationMinutes

Mr. Gary Facemyer made a motion, seconded by Mr. Tom Rayburn to approve the Minutes from Meeting #325 as written. Motion carried.

P-Card Purchases & Financial Report

The Executive Director provided the P-Card Purchases report.

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

January 2022 – \$294,494.04

February 2022 – \$285,343.36

March 2022 - \$274,268.02

Mr. Gary Facemyer made a motion, seconded by Mr. Tom Rayburn to approve the financial and expenditure reports and P-Card purchases. Motion carried.

Consideration of Dual Certificate of Authorization (COA) Request

Tabled.

Consideration of the April 29, 2022 Spring Exam Questions

Mr. Gary Facemyer made a motion, seconded by Mr. Tom Rayburn, to approve the exam created at the April 1, 2022 Exam Writing Workshop. Motion carried.

Consideration of Future Exam Writing Workshops

Amber Shawver Legg, Executive Director suggested that the Board hold the next Exam Writing Workshop in a location closer to the center of the state. The next Exam Writing Workshop will be held in September with the date to be determined.

Consideration of Continuing Education Opportunity

Mr. Gary Facemyer made a motion, seconded by Mr. Tom Rayburn to hold the WVBP annual CE Seminar on June 17, 2022 at the Charleston Marquee Cinemas, with the presenter to be Mack McCarty. Motion carried.

Consideration of Retirement Status

Upon motion by Mr. Gary Facemyer, seconded by Mr. Lantz Rankin, the Board voted to grant retirement status to Mr. George Hart, P.S. Motion carried.

Consideration of Reinstatement

According to Series 1, Examination and Licensing of Professional Surveyor in West Virginia section 5.5.c. Expired Status. If a license is not renewed for a period of thirty-six (36) months it immediately falls into "expired" status and may not be renewed. The fact that a license cannot be renewed because of the expiration of a period of thirty-six (36) months may not prevent a person from making application for a new license by meeting all the education, experience, and examination requirements in effect at the time of submitting a new application.

Consideration of Contracted Security

Amber Shawver Legg, Executive Director, informed the Board that beginning July 1, 2022 the occupants of the office building will be responsible for funding the buildings security personnel. The Executive Director will keep the Board informed with additional information as it is presented.

Renewal Update

The Executive Director provided an update on the FY2023 PS Renewals.

Technology Update

The Executive Director provided a technology update to include information about the new database and the new phone system.

Consideration of Personnel Matters

Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer, to accept the Office Assistants resignation. Motion carried.

Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer, to contact a temporary agency for a part time, temporary staff member.

Mr. Gary Facemyer made a motion, seconded by Mr. Tom Rayburn, to accept the Across-the-Board salary increase proposed by the WV Governor. Motion carried.

WVBPS Safety Committee Update

The WVBPS Safety Committee reports no safety concerns at this time.

Executive Directors Report:

Executive Director, Amber Shawver Legg, provided the Board with an update of board office related duties and provided each member with an Executive Directors Report.

There being no further business, Mr. Gary Facemyer made a motion, seconded by Tom Rayburn, that the meeting adjourn at 2:36 p.m. Motion carried.

Respectfully Submitted:



Sefton R. Stewart, P.S., Chairman



Tom Rayburn, P.S., Secretary