

MINUTES OF MEETING #304
OF THE WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS
September 11, 2019
CHARLESTON, WV



Present: Sefton R. Stewart, *Chairman*
James T. Rayburn, *Secretary*
Gary D. Facemyer, *Member*
Douglas C. McElwee, Esq., *Public Member*
Lantz Rankin, *Members*
Keith D. Fisher, Esq. *Attorney General Counsel*
Kristi A. Justice, *Executive Director*

Guest: R. Michael Shepp, P.S.
John Green, P.S.
James J. Purcell, P.E., *NCEES Representative*

Absent: None

The Chairman called Meeting #304 to order at 10:00 am on Wednesday September 11, 2019 and noted that the meeting was properly noticed by the West Virginia Secretary of State.

Delegations or Public Concerns

None

Minutes

Mr. Gary Facemyer made a motion, seconded by Mr. Tom Rayburn to approve the Minutes from Meeting #302 & #303 as written. Motion carried.

Executive Session

Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer to enter Executive Session pursuant to *W. Va. Code §6-9A-4(b)(7)* to discuss complaints at 10:05 am. Motion carried.

The Board reconvened in regular session at 10:38 am.

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

C20- (Shrewsbury) – Open Complaint and ask for PS Response

C19-13 – Grant PS an extension until September 23, 2019 to submit response

C19-01 – Keith D. Fisher, Attorney General Counsel, will prepare Consent Agreement, which will include a request for PS to correct map and write a report, complete 2 hours of Minimum Standards and 2 hours of Ethics (Approved by the Board), and pay administrative cost.

C18-03 & C18-05: PS's supervisor will provide the Board with a progress report. Mr. Keith Fisher, Attorney General Counsel, will send the report to PS's attorney and give PS 15 days to respond to the progress report.

Unlicensed Practice in the State

The Board discussed unlicensed practices in the state of West Virginia. Mr. Tom Rayburn and Mr. R. Michael Shepp shared with the Board issues/concerns they have encountered. The Board discussed this issue in length and Mr. Keith Fisher, Attorney General Counsel, has offered to compose letters to address the concerns.

WVSPS Liaison

Mr. John Green stated at this time he does not have any updates to report to the Board.

Financial Report

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

July 31, 2019 – \$268,490.73 (\$190,313.70)

August 31, 2019 - \$264,802.70 (\$174,400.72)

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

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

Purchasing Inspection FY 2018

Kristi Justice, Executive Director, reported to the Board that on August 8, 2019 the Board received a letter stating that the 2018 Purchasing Review was complete and according to the Grading Sheet the overall score for the WVBPS Agency was 100% (A).

Professional Surveyor Retired Applications

Mr. Gary Facemyer made a motion, seconded by Mr. Tom Rayburn to approve the Professional Surveyor Retired Applications for P.S. (#249, #1269, #1463). Motion carried.

Surveyor Intern Special Supervision Clause

Kristi Justice, Executive Director provided the Board the experience progress report submitted by Jonathan G. Saunders SI#197 and Mr. Dwight E. Wilkins, PS.

Dual COA Request (#5812 Charleston, WV and #5781 Newton, WV)

Mr. Tom Rayburn made a motion, seconded by Mr. Douglas McElwee to approve the Dual Surveyor-In-Charge request for COA (#5812 Charleston, WV) & (#5781 Newton, WV). Motion carried. Motion carried with Mr. Gary Facemyer recused.

Consider Professional Ethics Request

Mr. Tom Rayburn made a motion, seconded by Mr. Lantz Rankin to deny the request from a Licensee for the class Professional Ethics/Standard of Care by Richard D. Nichols, P.S. from the Ohio Buckeye Chapter 13 towards the required 2 hours of professional surveying ethics courses pursuant to Legislative Rule §23CSR2-3.2. Motion carried.

Rule Change Update Regarding HB118

Kristi Justice, Executive Director provided the board on update regarding the rule change submission regarding HB118, which passed during the Legislative Special Session. HB 118 require Chapter 30 Boards to propose a rule change including the language that a Board may not

disqualify an applicant from initial licensure because of a prior criminal conviction unless that conviction bears a rational nexus to the practice of professional surveying. Executive Director, Kristi Justice, provided the board with the comments received to date. The end of the comment period is September 13, 2019.

NCEES Visit

Mr. Jim Purcell, NCEES Representative, provided the board a presentation from NCEES. The Board discussed the following topics with the NCEES representative. The topics included:

- NCEES position on State Specific exams for Professional Surveyors
- Deregulation update on licensure and how other states are dealing with this issue
- The future of the CBT of the FS and PS Exam

Consider New Web Based Licensing System

Kristi Justice, Executive Director, provided the Board an update from WV Interactive regarding the new web-based database for licensing. She informed the board that WV Interactive is not able to provide the services at this time, it will be several years before they can provide a web-based licensing system. Executive Director provided the Board 3 Bids received regarding a new web-based licensing system. The Board discussed in length the contract from InLumon, which was the lowest bid received for the web-based licensing system. The Board asked Executive Director to have Keith D. Fisher, Attorney General Counsel, to review the contract.

Mr. Gary Facemyer made a motion, seconded by Mr. Douglass McElwee to contract with InLumon for the Web-based licensing system, after any modifications from Mr. Fisher. Motion carried.

2019 Fall Exam & Exam Workshop Update

Executive Director, Kristi Justice, provided the Board an update regarding the 2019 Fall WV State Specific Exam, 28 individuals signed up to take the exam. The Exam Writing Workshop will be held on September 27th & 28th. The WV State Specific Exam is scheduled for October 18, 2019.

Executive Directors Report:


Executive Director, Kristi Justice, 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. Tom Rayburn made a motion, seconded by Mr. Douglas McElwee, that the meeting adjourn at 2:36 PM. Motion carried.

Respectfully Submitted:



Sefton R. Stewart, P.S., Chairman



Tom Rayburn, P.S., Secretary