

MINUTES OF MEETING #260  
OF THE WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS  
NOVEMBER 15, 2012  
SUTTON, WEST VIRGINIA



Present: Roy E. Shrewsbury, II, Chairman  
Nelson B. Douglass, Secretary  
Mark H. Hornish, Member  
R. Michael Shepp, Member  
Anthony J. Sparacino, Member  
Dennis D. Jarrell, Board Administrator  
Katherine A. Campbell, AG Counsel  
Jared D. Wilson, WVSPS Liaison

Call to Order: The Chairman called Meeting #260 to order at 10:16 a.m. on Thursday, November 15, 2012.

Mr. Shepp made a motion, seconded by Mr. Douglass, to enter into executive session pursuant to §6-9A-4(b)(2)(7) at 10:17 a.m. Motion carried.

Mr. Shepp made a motion, seconded by Mr. Douglass, to return to regular session at 11:30 a.m. Motion carried.

Summary of the executive session was read aloud by case number by the Board Administrator.

Mr. Shepp made a motion, seconded by Mr. Douglass, to approve the actions during the Executive Session. Motion carried with Mr. Shepp recused from C13 (Lowe), Mr. Douglass recused from C13-01 and Mr. Hornish recused from all.

Executive Session §6-9A-4(b)(2)(7)

- C13 Carter v. Bias, P.S. – Unfounded. Summarily Dismissed. Insufficient Grounds.
- C13 Carter v. Porter, P.S. – Unfounded. Summarily Dismissed. Insufficient Grounds.
- C13 Lowe v. Geertsema, P.S. – Unfounded. Summarily Dismissed. No Jurisdiction.
- C13 Bennett v. Holz, P.S. – Unfounded. Summarily Dismissed. Boundary Dispute.
- C13 Leadingham, P.S. v. Encompass, LLC – Summarily Dismissed. COA Issued to Firm.
- C12-02 Cobb v. Fox Engineering – Tabled, awaiting receipt of certified survey documents.
- C12-08 Shaw v. Pigott, P.S. – Letter to record plat, appears to meet minimum standards and Final Court Order.
- C12-09 Hatfield v. Stewart, P.S. – Dismissed. Boundary Dispute.

- C12-10 WVBPS v. Baksi, P.S. – Closed upon receipt of judge approved injunction.
- C13-01 Hartshorn v. Huffman, P.S. – Request information as outlined in original complaint request.
- C13-02 WVBPS v. Baker, P.S. – Request field notes as requested in complaint notification letter. Contract Board Investigator.

Minutes: Mr. Shepp made a motion, seconded by Mr. Douglass, to approve the Minutes of Meeting #259 (September 27, 2012) as written. Motion carried.

P-Card & MasterCard Purchases and Financial Statement: The Board Administrator provided a listing and explanation of P-Card and MasterCard purchases made during September 2012 and October 2012. Mr. Shepp made a motion, seconded by Mr. Sparacino, to approve the P-Card and MasterCard purchases. Motion carried.

Financial Report: The Board Administrator provided the financial report with a cash balance as of September 30, 2012 of \$199,775.24 and October 31, 2012 of \$184,450.47. Mr. Shepp made a motion, seconded by Mr. Sparacino to approve the financial report. Motion carried.

Exam Fee Carry-Over (Bertram): Mr. Hornish made a motion, seconded by Mr. Douglass to allow applicant Bertram to carry-over his Fall 2012 exam fee to the Spring 2013 exam date. Motion carried.

Continuing Education – Minimum Standards Waiver Request (#1776): Mr. Shepp made a motion, seconded by Mr. Hornish, to waive the continuing education requirement for one year. Motion carried.

Standards and Ethics Sponsor Request: Mr. Shepp made a motion, seconded by Mr. Douglass to approve the WVSPS Standards and Ethics request with the Board for February 23, 2013, at Flatwoods, WV, to be presented by Teter, P.S. and Ingram, P.S. Motion carried.

Inactive COA's: Mr. Shepp made a motion, seconded by Mr. Douglass to approve the letter notifying Certificate of Authorization holders that all Inactive COA's will be placed in an Expired status and the Board will no longer recognize Inactive Certificate of Authorizations effective January 1, 2013. Motion carried.

Board Office Copier Lease: The Board Administrator presented bids received for the current expiring copier lease for the Board Office. Mr. Shepp made a motion, seconded by Mr. Sparacino to award the copier lease contract to Ricoh as the low bid. Motion carried.

Fiscal Year 2012 Annual Report: Mr. Shepp made a motion, seconded by Mr. Sparacino to approve the Fiscal Year 2012 Annual Report as prepared by the Board Administrator. Motion carried.

Continuing Education Audit: Mr. Shepp reported that there were no issues with the Annual Required Audit. The Board awarded the following continuing education carryover hours:

<u>Lic. #</u>	<u>2012 Carryover</u>	<u>Claimed</u>	<u>2013 Carryover Approved</u>
840SU	8	60	8
1061	8	48.5	8
1457	8	38	8
1642	8	15	8
1707	8	16	8
2137SU	8	12	8

WV Legislature – Licensing of Veterans as Professional Surveyors: Mr. Shepp made a motion, seconded by Mr. Hornish to approve the letter prepared by the Board Administrator to the West Virginia Legislative Rule-Making Committee, in response to H.B. 4037. Motion carried.

Elevation Certificates (Gilbert): Send letter acknowledging receipt of his response stating that the West Virginia Board of Professional Surveyors does not agree with his opinion that Engineers can perform elevation certificates.

Joint Meeting with WV Professional Engineer Board: Mr. Douglass made a motion, seconded by Mr. Shepp to send letter to the WV Professional Engineer Board agreeing to a future meeting, acknowledging the overlap in legislation, our concerns to conforming to minimum standards, and addressing emerging technologies. Board Administrator to email the WV P.E. Board Executive Director and request copy of proposed legislation.

Legislative Review Committee: The Board will host a committee meeting on December 6, 2012 at the Days Hotel (10:00 a.m. till 4:00 p.m.), and that John Green, Lantz Rankin, David Jackson, Dave Sypolt, Greg Smith, and Randy Melton, be invited to attend.

WVBPS Liaison Report:

- Mr. Shepp will send report via email.

WVSPS Liaison Report:

- Clarification of joint meeting with the West Virginia Professional Engineers Board.

Public Comment:

- None

There being no further business the meeting adjourned at 1:46 p.m.

Respectfully Submitted:



Roy E. Shrewsbury, II, P.S., Chairman



Nelson B. Douglass, P.S., Secretary