

MINUTES OF MEETING #275
OF THE WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS
DECEMBER 16, 2014
BOARD OFFICE, SUTTON, WEST VIRGINIA



Present: Roy E. Shrewsbury, II, *Chairman*
Nelson B. Douglass, *Secretary*
Mark H. Hornish, *Member*
R. Michael Shepp, *Member*
Anthony J. Sparacino, Jr., *Member*
Dennis D. Jarrell, *Board Administrator*
Katherine A. Campbell, *Assistant Attorney General (by telephone for Executive Session only)*

Absent: NONE.

The Chairman called Meeting #275 to order at 10:13 a.m. on Tuesday, December 16, 2014, and noted that the meeting was properly noticed by the West Virginia Secretary of State.

NCEES Northeast Zone Vice President Nomination – Mr. Hornish made a motion, seconded by Mr. Douglass that the West Virginia Board of Professional Surveyors would support Mr. Shrewsbury's (*Board Chairman*) candidacy for the NCEES Northeast Zone Vice President with the election to be held at the Zone Interim Meeting at Hershey, PA. Motion carried.

Minutes – Mr. Shepp made a motion, seconded by Mr. Hornish to approve the Minutes of Meeting #274 (*October 7, 2014*) as written. Motion carried.

P-Card Purchases & Master Card Purchases – The Board Administrator provided a listing and explanation of P-Card & Master Card Purchases made during October 2014 and November 2014. Mr. Shepp made a motion, seconded by Mr. Douglass, to approve the P-Card & Master Card purchases. Motion carried.

Financial Report – The Board Administrator provided the financial expenditure report with a cash balance as of October 31, 2014 of \$167,151.48 and as of November 30, 2014 of \$157,897.61. Mr. Shepp made a motion, seconded by Mr. Sparacino to approve the financial expenditure report. Motion carried.

Colonial States Meeting Report – Mr. Hornish presented a report from his attendance at the Colonial States Board of Surveyor Registration meeting on October 23-25, 2014 in Newark, NJ which included examination question writing and discussion of the Engineering-Survey action taken at the NCEES Annual Meeting.

WVSPS Standards and Ethics Approval Request – Mr. Shepp made a motion, seconded by Mr. Sparacino to approve the West Virginia Society of Professional Surveyors Minimum Standards (*Teter, P.S.*) and Comparative Ethics (*Ingram, P.S.*), continuing education seminar to be held during the WVSPS Convention on Saturday, February 21, 2015 at the Flatwoods Days Hotel, Sutton, WV. Motion carried.

Continuing Education Audit Report – Mr. Hornish reported that the 2015 required random audit was completed on November 7, 2014 and recommended that P.S. #1065, #1552, and #1861 carry-over hours be reduced for claiming continuing education courses that did not appear to be reasonably related to the practice of land surveying. Mr. Shepp made a motion, seconded by Mr. Douglass to approve Mr. Hornish's audit recommendation. Motion carried.

Purchasing Card Audit – Mr. Jarrell reported that the West Virginia State Auditor's Office had completed an audit of the Board's purchasing card (P-Card) transactions during the period July 1, 2012 through March 31, 2014 with no significant findings.

Fiscal Year 2014 Annual Report – Mr. Shepp made a motion, seconded by Mr. Hornish to approve the Fiscal Year 2014 Annual Report as prepared by the Board Administrator. Motion carried.

Fall 2014 New Licensees – Mr. Shepp made a motion, seconded by Mr. Douglass to approve the Fall 2014 New Licensees (P.S. #2290 through #2297). Motion carried.

Contractor License for Professional Surveyors – Tabled.

Licensing/Database Management System – Mr. Hornish made a motion, seconded by Mr. Sparacino for the Board Administrator to develop a Request for Proposal for a new Board database/licensing system with the right to refuse any and all proposals. Motion carried.

WVSPS Liaison

- Read a letter from the WVSPS Clarksburg Chapter against raising the Annual PDH requirement.

Mr. Sparacino made a motion, seconded by Mr. Douglass to enter into Executive Session §6-9A-4(b)(2)(7) to discuss complaints at 11:43 a.m. Motion carried.

Mr. Shepp made a motion seconded by Mr. Douglass to return to regular session at 2:15 p.m. Motion carried.

Summary of the Executive Session was read aloud by the Board Administrator. Mr. Sparacino made a motion, seconded by Mr. Hornish to approve the items discussed in the Executive Session. Motion carried with Mr. Shepp recused from all and Mr. Douglass recused from C15 (Casto v. Stewart) and C15-01.

Road Right of Way – Tabled.

C15 Richardson v. Branham, Dexter A., P.S. – Summarily Dismissed, insufficient evidence

C15 Casto v. Stewart, Scott F., P.S. – Summarily Dismissed, boundary dispute

C13-05 Bunner v. Hogan, Mary R. – Closed, unresolved.

- C14-02 WVBPS v. Keely, Timothy L., P.S. – Consent Decree approved as revised.
- C14-05 WVBPS v. Wickline, Robert K., P.S. – Findings and conclusions of law adopted in its entirety as prepared by counsel. License revoked.
- C14-06 Foley v. Kinder, Richard E., Jr., P.S. – Dismissed, lack of evidence.
- C14-08 Shalap v. Shamblin, Mark C., P.S. – Offer Consent Decree prepared by AG Counsel.
- C15-01 WVBPS v. Huffman, James E., P.S. – Probable Cause Found. Draft Statement of Charges and Consent Decree.
- C15-02 WVBPS v. Toney, William L., Jr., P.S. – Probable Cause Found. Draft Statement of Charges and Consent Decree.
- C15-03 McComas/Wilcox, POA v. Rose, Michael D., P.S. – Dismissed, insufficient evidence.
- C15-04 WVBPS v. Garcelon, Isaac A.N., P.S. – Probable Cause Found. Draft Statement of Charges and Consent Decree.

Public Comment


- None.

Others in Attendance


- John Green

There being no further business, the meeting adjourned at 2:30 p.m.

Respectfully Submitted:



Roy E. Shrewsbury, II, Chairman



Nelson B. Douglass, Secretary