

MINUTES OF MEETING #298
OF THE WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS
February 20, 2019
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*
Keith D. Fisher, Esq. *Attorney General Counsel*
Kristi A. Justice, *Executive Director*

Absent: None

The Chairman called Meeting #298 to order at 10:04 a.m. on Wednesday, February 20, 2019 and noted that the meeting was properly noticed by the West Virginia Secretary of State.

Mr. Sefton Stewart 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 10:10 a.m. Motion carried.

The Board reconvened in regular session at 10:41 a.m.

Summary of the Executive Session was read aloud by the Executive Director. Mr. Gary Facemyer made a motion, seconded by Mr. Doug McElwee to approve the items discussed in the Executive Session. Motion carried with Mr. Tom Rayburn recused from all and Mr. Sefton Stewart recused from C19 (Harrison) and C18-10.

C19-(Horneman) – Dismiss not in jurisdiction

C19 (Harrison) – Dismiss boundary dispute

C19 (Kelly) – Open Complaint & ask for PS response

C19 (Tedder) – Open Compliant & ask for PS Response

C18-10– Close case; PS has updated all requested documents

C19-01 – Request PS back in for 2nd Informal Conference with CRC

C19-03 - Close case; PS completed all recommendations by the board

C19-04 - Dismiss boundary dispute

C19-05- Dismiss Boundary Dispute; Open WVBPS Board complaint on PS for violation of minimum standards

C19-06- Write letter to PS and give him 60 days to complete survey and provide proof to the board

C18 – 03 – WVBPS General Council gave update on case; Hearing date has been set.

C18-05 – WVBPS General Council gave update on case

Delegations or Public Concerns

- None

WVSPS Liaison

- Mr. John Green discussed the recent WVSPS Conference & current legislation regarding WV Chapter 30 Boards.

Guest – WV Interactive

- General Manager for WV Interactive had to cancel due to the flu. He provided Kristi Justice, Executive Director, the proposal for an updated WVBPS Database.

Minutes – Mr. Sefton Stewart made a motion, seconded by Mr. Tom Rayburn to approve the Minutes of Meeting #297 (December 13, 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
December 31, 2018 - \$223,570.04 (\$123,629.13)
January 31, 2019 - \$221,412.96 (\$111,494.85)

Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart 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 2387)

Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart to approve the 2018 Fall Exam New Licensees (PS # 2387) having passed the required examinations for licensure as a West Virginia Professional Surveyor. Motion carried.

2018 Survey Intern (#213, #214, & #215)

Mr. Sefton Stewart made a motion, seconded by Mr. Tom Rayburn to approve the Survey Interns (#213, #214, & #215) having passed the Fundamentals of Surveying Examination by Computer Based Testing. Motion carried.

Update Legislative Session

The Board discussed the current legislation that has been introduced regarding WV Chapter 30 Boards.

Letter Report – Chapter 30 Boards Fund Balance Analysis

Kristi Justice, Executive Director, provided the board a copy of the Letter Report of the Chapter 30 Boards Fund Balance Analysis by the Joint committee on Government and Finance, West Virginia Office of the Legislative Auditor.

NCEES Visit

Kristi Justice, Executive Director, provided the board with a copy of the letter from NCEES President regarding a visit with the board. They would like to visit the board during the calendar year of 2019. Kristi Justice is going to follow up with available dates for the visit.

WVPEB (WV Expo March 20 & 21, 2019)

Kristi Justice, Executive Director, discussed with the board the opportunity to submit slides regarding WV Licensed Professional Surveyors and Ethics for the presentation the WV Engineering Board will present at the WV Expo on WV Ethics. Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart to approve the presentation for 2 hours of West Virginia Ethics. Motion carried.

WV State Specific Exam April 2019

Mr. Gary Facemyer and Mr. Tom Rayburn reviewed and approved all WV State Specific Exam Applications on January 29, 2019. There were 12 new applications.

The board reviewed the letter by Mr. E.M. (Mack) McCarty, Jr. regarding self-reporting that one of his employees will be taking the exam in April 2019. Mr. McCarty stated that he has not discussed the examination with the employee.

Unlicensed Practice of Surveying Codes and Rules

Mr. Tom Rayburn discussed unlicensed practice of surveying in Southern West Virginia that he encountered on January 3, 2019. Mr. Keith Fisher, WV Attorney General Counsel, conducted research regarding this issue and updated the board. Mr. Fisher will compose an educational letter to be sent to the unlicensed company.

Consideration of the WVBPS Records Retention & Disposal Schedule

Executive Director presented the WVBPS Records Retention & Disposal Schedule to the board. The Executive Director has been working with Joe Geiger, WV Archives and History, on the policy. Mr. Geiger has approved the policy. A motion was made by Mr. Gary Facemyer, seconded by Mr. Tom Rayburn to approve the WVBPS Records Retention & Disposal Schedule. Motion carried. The policy will be submitted to the State of West Virginia SharePoint for final approval.

Consideration of WVBPS Database

Executive Director, Kristi Justice, discussed with the board the opportunity to consider an updated WVBPS Database. Executive Director presented the board with 2 written proposals. Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart to consider the proposal presented by WV Interactive. The motion carried. Executive Director will follow up with WV Interactive.

WVBPS Computer System update/Consideration of new computers

Kristi Justice, Executive Director, gave an update on WVBPS now being 100% on the WV State System and all data is backed up via the state. The State of WV will be moving to all Windows 10 applications by January 1, 2020, therefore all the computers at the WVBPS Office will be obsolete. Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer to buy a new laptop, monitor and docking station not to exceed \$2,000.00. The motion carried.

WVBPS CE Seminar (June 7, 2019)

Kristi Justice, Executive Director, stated that the WVBPS annual CE Seminar will be held on Friday, June 7, 2019 at the Charleston Coliseum and Convention Center. The Real Estate Division has approved the contract to be signed. Don Teter has agreed to teach the Seminar.

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. Sefton Stewart, that the meeting adjourn at 1:21 p.m. Motion carried.

Respectfully Submitted:



R. Michael Shepp, P.S., Chairman



Sefton Stewart, P.S., Secretary