

MINUTES OF MEETING #296
OF THE WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS
October 24, 2018
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 #296 to order at 10:00 a.m. on Wednesday, October 24, 2018, and noted that the meeting was properly noticed by the West Virginia Secretary of State.

Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart 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 10:29 a.m.

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

C19-(Riley) – Open Complaint & ask for PS Response

C19-(Thierry) – Considered additional information, Summarily dismiss due to outside the jurisdiction of the board

C19 (Raines) – Open Complaint & ask for PS Response

C18-09- Dismiss – No basis for complaint

C19-01- Request Informal Investigative Conference

C18-10- PS to set corners; update map; provide letter to homeowner; copy of map to WVBP; 90 days to make changes

C18-03- Attorney & Executive Director had meeting with Expert witness & expert witness will send the Attorney a written report

C18-05- Attorney is preparing the Statement of Charges

Delegations or Public Concerns

- None

WVSPS Liaison

Discussed enforcing unlicensed practices for the upcoming legislative session
Discussed WVBPS Executive Director giving a report during the WVSPS Conference

Board Appointments – The WVBPS welcomes Mr. Gary Facemyer to the board

Minutes – Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart to approve the Minutes of Meeting #295 (Sept 6, 2018) as written. Motion carried.

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

September 30, 2018 - \$ 216,186.38 (\$156,883.60)

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

Regulatory Review of Procedure Rules

Mr. Douglas McElwee made a motion, seconded by Mr. Tom Rayburn to approve the review of the Regulatory of Procedure Rules as presented by the Executive Director. Executive Director will email the review results to the Senior Counsel for Policy and Legislation for the Office of Governor Justice by November 1, 2018.

Nettleman Land Consultants, Inc.

Mr. Sefton Stewart made a motion, seconded by Mr. Tom Rayburn to approve the online course by Nettleman Land Consultants offering the minimum of two (2) PDH units to professional ethics for land surveyors.

WV Exam Update

Mr. Stewart gave an update of the WV Exam: 22 took the exam, 10 passed and 12 failed. 45% pass rate for Fall 2018.

Surveyor Intern Special Supervision Clause – After review of the Special Supervision Application Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart the application is not applicable to the WVBPS for the Special Supervision Clause (Scott Elliott). Motion carried.

Dual COA Request – Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart to approve the Dual Surveyor-In-Charge request for COA (#5439 Winchester, VA) & (#5648 Hagerstown, MD). Motion carried.

Lunch with WVPEB

The WVPEB extended an invitation of a lunch conversation on November 14, 2019. Mr. Gary Facemyer, Mr. Tom Rayburn and Executive Director Kristi Justice will attend the luncheon.

Joint (WVBPS/WVPEB) Publication

Mr. Gary Facemyer discussed the opportunity to partner with the WVPEB in developing an educational publication regarding the required practice of professional surveying and engineering in West Virginia.

Unlicensed Practice of Surveying Codes and Rules

Mr. Gary Facemyer shared with the board the language in Chapter 30 Code regarding unlicensed practice of Surveying Codes and Rules. The board discussed the language and possible changes to the language.

WV Interactive

Mr. Ian McQuinn gave a presentation regarding the opportunity to create a new database for the WVBPS.

Executive Directors Report:

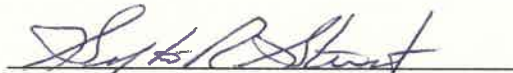
Executive Director, Kristi Justice, provided the board with a copy of the Executive Directors Report

There being no further business, Mr. Sefton Stewart made a motion, seconded by Mr. Tom Rayburn, that the meeting adjourn at 11:42 a.m. Motion carried.

Respectfully Submitted:



R. Michael Shepp, P.S., Chairman



Sefton Stewart, P.S., Secretary