

MINUTES OF MEETING #302
OF THE WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS
July 23, 2019
CHARLESTON, WV



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 #302 to order at 10:00 am on Tuesday July 23, 2019 and noted that the meeting was properly noticed by the West Virginia Secretary of State.

Delegations or Public Concerns

Mr. Arlie Campbell addressed the Board and commented upon his open Complaint (C18-05). Previously, on July 18, 2019, Mr. and Mrs. Campbell requested to review their complaint file and make necessary copies of the file. At the meeting, Mr. Campbell was given a packet of information that included copies of documentation from Complaint C18-05.

Mr. Gary Facemyer 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 10:10 am. Motion carried.

The Board reconvened in regular session at 10:33 am.

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

C19- (VanCamp) – Open Complaint and ask for PS Response

C19-01 – Request PS submit copies of all deeds referenced on the revised map. Give PS 30 days to submit documentation.

C19-09 – Close Complaint.

C19-10 – PS addressed each issue in the complaint; Close Compliant

C19-11 – Legal Matter Dismiss Complaint

C19-12 – Dismiss case, out of the jurisdiction of the board; this is a contractual /legal issue.

C18-03 & C18-05: PS has signed Supervisory Agreement & Consent

WVSPS Liaison

Mr. John Green stated that he does not have anything to report at this time. The Board stated they would like to make sure Mr. Green is in attendance for the September 11, 2019 meeting, because a NCESS Representative will be attending the board meeting. Mr. Green stated that he planned to attend the meeting.

Minutes

Mr. Sefton Stewart made a motion, seconded by Mr. Tom Rayburn to approve the Minutes Meeting #301 as written. Motion carried.

Financial Report

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

May 31, 2019 – \$210,755.40 (\$59,828.37)

June 30, 2019 - \$257,817.58 (\$47,626.98)

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

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

Purchasing Inspection FY 2018

Kristi Justice, Executive Director, reported to the board on July 10, 2019 the board received notification that a purchasing inspection is scheduled for the WVBPS. The board received the 7 invoices that will be reviewed. Kristi Justice mailed via certified mail on 07/12/2019 all documentation related to the 7 invoices.

Professional Surveyor Retired Applications

Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart to approve the Professional Surveyor Retired Applications for P.S. (#831, #1064, #2095SU, #761SU, #1327, #785, #493, #1299, #1219, #1142, #850, #1610, #940, #1623). Motion carried.

Professional Surveyor Early Retirement Request

Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart to deny the Professional Surveyor P.S. #1341 requesting early retirement. Motion Carried. 23-1-5.5. e.1.B states a Licensee shall be at least sixty-five (65) years of age or older or have a documented physical disability or debilitating illness. Executive Director is to provide PS options regarding license renewal.

Professional Surveyor Delinquent Fee Waiver

Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer to approve the Professional Surveyor request for delinquent fee waiver due to a debilitating illness and to approve PS Retired Status Application (P.S. #1236). Motion carried.

Surveyor Intern Special Supervision Clause

Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart to approve Surveyor Intern Special Supervision #197 (Jonathan G. Saunders). Motion carried. Executive Director is to request Survey Intern #197 to provide the board with his record of experience to date.

2019 Spring Exam New Licensees (PS #'s 2395)

Mr. Tom Rayburn made a motion, seconded by Mr. Sefton Stewart to approve the 2019 Spring Exam New Licensee (PS # 2395) having passed the required examinations for licensure as a West Virginia Professional Surveyor. Motion carried.

Consider Rule Update Regarding HB118

Mr. Keith Fisher provided an update regarding HB118, which passed during the Legislative Special Session. HB 118 would 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, informed the Board that she would keep the members update on the process and the board would need to hold a meeting to vote on proposed rule changes soon.

HB 2004 & HB 2204

Mr. Keith Fisher, Attorney General Counsel, provided the board his interpretation of HB 2004 & HB 2204. The Board discussed HB 2004 & HB 2204 in depth. The board will continue to monitor the 2 bills at future meetings.

Glenville State College Land Surveying Advisory Committee

Kristi Justice, Executive Director, provide the board with copies of correspondence received on June 10, 2019 from Glenville State College Land Surveying Advisory Committee. Chairman, Mr. Shepp, discussed this item in length with the board.

The Board discussed the apparent conflicts between Chapter 30, Article 13A-8 and 13A-9, and the Legislative Rule, Title 23, Series 1 (*The Examination and Licensing of Professional Surveyors in West Virginia*). The Board agrees that the Series 1 Rule (23CSR1) should be revised to be made clear and to comport with Chapter 30, Article 13A. The Board will draft revisions to Series 23CSR1, with guidance from the West Virginia Society of Professional Surveyors, and will plan to submit those revisions for legislative review probably in the 2021 Legislative Session.

The Board will respond to Glenville State College Land Surveying Advisory Committee and provided a copy of the NCEES response from October 2017 of the review of the program. The Board will offer to schedule a meeting with College representatives to discuss NCEES's findings and to review with Glenville State College how best to proceed.

NCEES Visit – Topics to Discuss (September 11, 2019)

The Board discussed topics for the NCEES visit on September 11, 2019. 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

2019 Fall Exam New Applications

Executive Director, Kristi Justice, provided the Board an update on New and Retake Applications for the October 2019 WV Specific Exam. A committee was formed to review all new applications.

Board Elections FY-2020 §30-1-3(a) and §30-13A-4(k)

Chairman: Mr. Tom Rayburn nominated Mr. Sefton Stewart as Chairman for Fiscal Year 2020. Seconded by Mr. R. Michael Shepp. Motion carried.

Secretary: Mr. R. Michael Shepp nominated Mr. Tom Rayburn as Secretary for Fiscal Year 2020. Seconded by Mr. Sefton Stewart. Motion carried.

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. Sefton Stewart, that the meeting adjourn at 1:22. Motion carried.

Respectfully Submitted:


Sefton R. Stewart, P.S., Chairman


Tom Rayburn, P.S., Secretary