

MINUTES OF MEETING #314
OF THE WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS
November 17, 2020
CHARLESTON, WV, and Via Zoom



Present: Sefton R. Stewart, *Chairman*
James T. Rayburn, *Secretary*
Gary D. Facemyer, *Member*
Lantz Rankin, *Members*
Douglas C. McElwee, Esq., *Public Member*
Keith D. Fisher, Esq. *Attorney General Counsel*
Kristi A. Justice, *Executive Director*

Guest: John Green, P.S.

Absent: None

The Chairman called Meeting #314 to order at 11:00 a.m. on Tuesday November 17, 2020 and noted that the meeting was properly noticed by the West Virginia Secretary of State.

Delegations or Public Concerns

None

Executive Session

Mr. Tom Rayburn 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 11:02 a.m. Motion carried.

The Board reconvened in regular session at 12:01 p.m.

Summary of the Executive Session was read aloud by the Executive Director. Mr. Gary Facemyer made a motion, seconded by Mr. Tom Rayburn to approve the items discussed in the Executive Session regarding complaints. Motion carried with Mr. Lantz Rankin recused from all complaints. Mr. Sefton Stewart recused himself from C20-07.

C21 (Johnson) – Dismiss complaint allegations - the complaint involves a contractual dispute and, therefore, fall outside the jurisdiction of the Board.

C21 (Bruner) - Open Complaint & ask PS for response

C21 (Lucas) - Open Complaint & ask PS for response

C21-01 – Investigator will review PS Response on 12/01/2020

C20-07 – Investigator will review PS Response on 12/01/2020

C20-06 – Investigator will review PS Response on 12/01/2020

C20-04 – PS needs to complete survey

C19-01 – Executive Director sent follow up letter to PS, no response to date – Investigator will follow up

C19-13 – Mr. Lantz Rankin and Executive Director will follow up with PS Supervisor.

C18-03 & C18-05: Mr. Lantz Rankin and Executive Director will follow up with PS Supervisor.

The Board discussed an email communication received regarding a closed complaint case: Executive Director will follow up with an email response.

WVBPS will open a complaint on an Active COA that may be in violation of W. Va. Code R. 23-5-8.6, which provides: “[A]ny licensee who has committed any of the following unethical practices may be subject to disciplinary action by the Board: . . . Using advertising that is false, fraudulent, deceptive, misleading or unlawful[.]”

WVSPS Liaison

Mr. John Green provided the Board an update from the WVSPS stating that the Annual conference will be held virtually this year.

Minutes

Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer to approve the Minutes from Meeting #312 & #313 as written. Motion carried.

Financial Report

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

August 31, 2020 – \$284,635.54 (\$178,589.15)
September 30, 2020 - \$279,195.34 (\$170,688.95)
October 31, 2020 - \$270,187.54 (\$160,871.15)

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

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

Rule 23CSR1 Amendment

Executive Director, Kristi Justice, provided the Board an update regarding the rule amendment to Legislative Rule 23CSR1 (Examination and Licensing of Professional Surveyors in West Virginia). Executive Director, Kristi Justice and Mr. Lantz Rankin attended a meeting with the Legislative Rule Making Review Committee on Monday November 16, 2020. The board will make a small modification regarding the sunset rule. During the meeting there were no questions, and the rule was passed out of the committee.

Professional Surveyor Retired Applications (#926SU)

Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer to approve the Professional Surveyor Retired Applications. Motion carried.

Survey Intern (#219)

Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer to approve the Survey Interns (#219) having passed the Fundamentals of Surveying Examination by Computer Based Testing. Motion carried.

2020 Fall Exam (October 23, 2020) New Licensees (PS #'s 2413 - 2422)

Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer to approve the 2020 Fall Exam (October 23, 2020) New Licensee (PS # 2413 - 2422) having passed the required examinations for licensure as a West Virginia Professional Surveyor. Motion carried.

The Board reviewed the Angoff of the 2020 Fall Exam.

Exam Writing Workshop (December 11, 2020)

Executive Director, Kristi Justice, provided the Board an update on the Exam Writing Workshop that was held on September 17, 2020. The next scheduled Exam Writing Workshop will be on December 11, 2020. Mr. Tom Rayburn will be the contact person regarding the workshop.

NCEES MBA / Board President Meeting (January 29, 2021)

Executive Director, Kristi Justice, provided the Board information from NCEES regarding the MBA & Board President Meeting that will be held virtually on January 29, 2021. Executive Director will register Mr. Sefton Stewart, Chairman, to attend and will contact NCEES regarding the vacant position of the Executive Director.

FY2021 COA Renewal Update

Executive Director, Kristi Justice, provided the Board an update of the FY2021 COA Renewal process. InLumon has sent out an email to all Active COAs and hard copy of the FY2021 COA Renewal Application will be mailed on 11/18/2020.

InLumon Update

Executive Director, Kristi Justice, provided the Board an update regarding InLumon (the new web-based database system). Successes and Challenges were reported to the Board.

Real Property Electronic Recording Standards Advisory Committee

Executive Director, Kristi Justice, provided the Board information regarding the Real Property Electronic Recording Standards Advisory Committee. During the 2020 Legislative Session, HB2086 was passed that creates a Real Property Electronic Recording Standards Advisory Committee. The WVBPSS was included in the bill for representation on the Committee. Mr. Tom Rayburn will participate in the Committee during the Executive Director vacancy.

Executive Session

Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer to enter Executive Session pursuant to discuss personnel matters at 1:02 a.m. Motion carried.

The Board reconvened in regular session at 1:15 p.m.

A motion was made by Mr. Tom Rayburn, seconded by Mr. Douglas McElwee to approve to pay Kristi Justice \$30 an hour during the transition period of hiring a new executive director. Motion Carried.

WVBPS Safety Committee Update

The WVBPS Safety Committee reports no safety concerns at this time.

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. Lantz Rankin made a motion, seconded by Mr. Tom Rayburn, that the meeting adjourn at 1:38 P.M. Motion carried.

Respectfully Submitted:



Sefton R. Stewart, P.S., Chairman



Tom Rayburn, P.S., Secretary