

MINUTES OF MEETING #335  
OF THE WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS  
September 27, 2023  
Charleston, WV



Present: Sefton R. Stewart, Chairman  
James T. Rayburn, *Secretary* (via conference call)  
Gary D. Facemyer, *Member*  
Lantz Rankin, *Member*  
Douglas C. McElwee, Esq., *Public Member*  
Amber Shawver Legg, *Executive Director*  
Carla Williams, *Administrative Assistant*  
Joanne M. Vella, *Assistant Attorney General*

Guest: Mr. John Green, P.S.

The Chairman called Meeting #335 to order at 10:12 a.m. on Wednesday, September 27, 2023, and noted that the meeting was properly noticed by the West Virginia Secretary of State.

Delegations or Public Concerns: None

Executive Session

Mr. Gary Facemyer made a motion, seconded by Mr. Lantz Rankin to enter Executive Session at 10:17 a.m. Motion carried.

The Board reconvened in regular session at 11:02 a.m.

Summary of the Executive Session was read aloud by the Executive Director. Mr. Doug McElwee made a motion, seconded by Mr. Gary Facemyer, to approve the items discussed in the Executive Session. Motion carried.

C18-03 & C18-05: PS has done at least 28 surveys since suspension. Mr. Tom Rayburn found an additional survey online. Most communication is through his wife. Mr. Rankin and Mr. Rayburn are awaiting a final list of surveys. C22-05, C22-06, & C23-05: Hearing took place 9/18/2023. PS participated by phone. The judge must now render her decision.

C22-13: Consent Agreement being offered; No response from PS.

C23-02 & C23-03: Further investigation required, question of "rubber-stamping".

C23-07: Consent Agreement being offered; No response from PS.

C23-08: Property dispute. Dismissed.

C23-09: PS Extension requested.

C23-10: Property dispute. Dismissed.

C23-11: Property dispute. Dismissed.

C23-12: Boundary dispute. Dismissed.

C23-13: Boundary dispute. Dismissed.

C23-14: PS requesting extension to provide response.

C23-15: Long-standing property dispute. Dismissed.

C23-16: PS Extension requested.

C24-a: Open complaint, ask for PS Response.

C24-b: Open complaint, ask for PS Response.

Board Administration

Minutes

Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer, to approve Minutes from Meetings #333 and #334 as written. Motion carried.

#### P-Card Purchases & Financial Report

The Executive Director provided the P-Card Purchases report.

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

July 2023 - \$265,399.31

August 2023 - \$256,118.73

Mr. Gary Facemyer made a motion, seconded by Mr. Tom Rayburn, to approve the financial and expenditure reports and P-Card purchases. Motion carried.

#### WV State Specific Exam Discussion

The State Specific Exam has been scheduled for October 20, 2023. The proposed Fall Exam was submitted and approved. The exam will be proctored by Mr. Lantz Rankin and Mr. Tom Rayburn. It will take place at the State Capitol as there are six candidates.

#### Consideration of Fall Exam Questions

Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer, to approve the Fall Exam at 11:12 a.m. Motion carried.

#### 2023 Fall Exam Writing Workshop

The Fall 2023 Exam Writing Workshop was held September 22, 2023 – September 23, 2023, at Jackson's Mill.

##### Suggestions for future Exam Writing Workshops submitted by Mr. Lantz Rankin:

- 1) Does the Board need to change regulations to accommodate changes with survey foot? WVSPS is looking into this matter. They are proposing to revise the code on WV plane coordinates. Currently, the use of a foot in the code is required. WVSPS is proposing to change to conversion values established by NGS. Mr. John Green informs us that this change is already on the legislative agenda.
- 2) In the matter of maps, the plat checklist clearly shows North Meridian. Regulations reference magnetics on the map. Mr. Lantz Rankin suggests changing it because magnetic is not needed for State Plane Quarter. Minimum Standards states that every survey has to have magnetic. This is not, however, in code. Should this be removed from the Law?
- 3) In the matter of licensing requirements, the State of Maryland requires 30 hours of surveying with no degree. Should West Virginia consider this in their requirements? Mr. John Green will bring this to the attention of WVSPS and ask for their suggestions

#### Consideration of Technical Matters

InLumon – There is currently a backlog of help desk tickets which need to be resolved. They seem to be making more of an effort to communicate with the board office.

Thentia – Unable to deliver services per contract. The motion was made by Mr. Gary Facemyer, and seconded by Mr. Doug McElwee, to have Ms. Joanne Vella write a letter to terminate services.

#### Executive Session

Mr. Lantz Rankin made a motion, seconded by Mr. Gary Facemyer to enter back into Executive Session pursuant to W. Va. Code 6-9A-4(b)(7) to discuss personnel matters at 12:00 p.m. Motion carried.

WVBPS accepts Ms. Amber Legg's resignation as Executive Director. Her last day will be October 6, 2023. Carla Williams will assume the position of Acting Executive Director effective October 9, 2023. The position will be posted in an effort to find candidates.

Summary of the Executive Session was read aloud by the Executive Director. Mr. Gary Facemyer made a motion, seconded by Mr. Lantz Rankin, to approve the items discussed in Executive Session at 12:31 p.m. Motion carried.

NCEES Update

Mr. Gary Facemyer informs WVBPS that Carol Stevens will be replacing Bijon Saluja as a member of the PE Board. Also, the PLSS Developing module has been tabled. NCEES Annual Meeting took place August 15- August 18, 2023, in Boston, MA. Ms. Amber Legg and Ms. Carla Williams attended on behalf of WVBPS to vote on issues and motions relative to PE and Surveying education and licensing per instructions from Mr. Gary Facemyer.

Schedule Next Board Meeting

The next Board meeting will tentatively be scheduled for November. Ms. Williams will send out correspondence to find a day when everyone is available, considering the holiday season.

There being no further business, Mr. Lantz Rankin made a motion, seconded by Mr. Gary Facemyer, that the meeting be adjourned at 12:35 p.m. Motion carried.

Respectfully Submitted:



Sefton R. Stewart, P.S., Chairman



Tom Rayburn, P.S., Secret

