

MINUTES OF MEETING #329  
OF THE WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS

August 3, 2022  
Charleston, WV



Present: James T. Rayburn, *Secretary*  
Gary D. Facemyer, *Member*  
Lantz Rankin, *Member*  
Douglas C. McElwee, Esq., *Public Member*  
Joanne M. Vella, *Assistant Attorney General*  
Amber Shawver Legg, *Executive Director*  
Carla Williams, *Administrative Assistant*

Guest: John Green, P.S.

Absent: Sefton R. Stewart, Chairman

The Secretary called Meeting #329 to order at 10:11 a.m. on Wednesday, August 3, 2022, 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 pursuant to W. Va. Code 6-9A-4(b)(7) to discuss complaints at 10:12 a.m. Motion carried.

The Board reconvened in regular session at 12:02 p.m.

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

C18-03 & C18-05 - The Board voted to continue settlement negotiations.

19-13 - The Board voted to close the complaint.

C21-02 - The Board voted to close the complaint.

C22-05 - The Board voted to offer a consent agreement.

C22-06 - The Board voted to offer a consent agreement.

C22-09 - The Board voted to request more information from the P.S.

C22-10 - The Board voted to dismiss the complaint.

C22-11 - The Board voted to dismiss the complaint.

C22-12 - The Board voted to dismiss the complaint.

C22 (Langford vs Freels) - The Board voted to open the complaint and ask PS for response.

C22 (Young vs Firor) - The Board voted to dismiss the complaint.

C22 (Rayburn vs Apex Aeronautical Creations, LLC) - Tabled.

## Board Administration

### Minutes

Mr. Gary Facemyer made a motion, seconded by Mr. Lantz Rankin to approve the Minutes from Meetings #328 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:

June 2022 – \$305,415.92

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

### Consideration of Future Exam Writing Workshops

Mr. Lantz Rankin made a motion, seconded by Mr. Gary Facemyer to hold the Fall Exam Writing Workshop at Jackson's Mill in Weston, WV on Thursday, September 29, 2022 and Friday, September 30, 2022. Motion carried.

### Consideration of NCEES Annual Meeting Motions

Mr. Gary Facemyer briefed the Board on the NCEES Annual Meeting motions.

### Consideration of Continuing Education Opportunities

Mr. Gary Facemyer made a motion, seconded by Mr. Lantz Rankin to approve SurveyPDU.com's Minimum Standards and Ethics courses. Motion carried.

### Consideration of a Continuing Education Exemption

The Board requires additional information.

### Consideration to Re-activate an Inactive License

The Board reviewed P.S. #1704 renewal application and determined that the licensee has met the requirements to re-activate their license.

### Consideration of Special Supervision

Mr. Lantz Rankin made a motion, seconded by Mr. Gary Facemyer to approve Special Supervision for SI #197 (Jonathan G. Saunders). Motion carried.

### Consideration of Retirement Status

Upon motion by Mr. Gary Facemyer, seconded by Mr. Douglas McElwee, the Board voted to grant retirement status to Richard Byers, Dennis King, Michael Porter, Jeffery Kelley, Joseph Menniti & Robert Green. Motion carried.

### WVBPS Safety Committee Update

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

Executive Directors Report:

Executive Director, Amber Shawver Legg, 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. Gary Facemyer made a motion, seconded by Mr. Lantz Rankin, that the meeting adjourn at 2:02 p.m. Motion carried.

Respectfully Submitted:

  
\_\_\_\_\_  
Sefton R. Stewart, P.S., Chairman

  
\_\_\_\_\_  
Tom Rayburn, P.S., Secretary