

MINUTES OF MEETING #331  
OF THE WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS  
December 14, 2022  
Charleston, WV



Present: Sefton R. Stewart, Chairman  
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: N/A

The Chairman called Meeting #331 to order at 10:01 a.m. on Wednesday, December 14, 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. Douglas McElwee to enter Executive Session pursuant to W. Va. Code 6-9A-4(b)(7) to discuss complaints at 10:36 a.m. Motion carried.

The Board reconvened in regular session at 11:50 a.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.

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

22-05 & 22-06 – Pending signed consent agreement.

C22-09 – Dismiss complaint, issues and plat has been corrected.

C22-13 – Give 30 day extension remail and email correspondences.

C23 (Petras) - Open the complaint and ask for PS response.

C23 (Rayburn) – Close complaint, outside of Board jurisdiction. Letter mailed to the Secretary of State and to the County Prosecutor.

C23 (Hanna) – Dismiss the complaint due to the matter being a contract dispute and out of the Boards jurisdiction.

C23 (Wilson) - Dismiss the complaint due to the matter being a contract dispute and out of the Boards jurisdiction.

C23 (Gallagher) – Open the complaint and ask for PS response.

C23 (Harper) - Open the complaint and ask for PS response.

C23 (Shank) - Open the complaint and ask for PS response.

C23 (Schoolcraft) - Open the complaint and ask for PS response.

C23-06 – Board initiated complaint, open complaint & ask for P.S. response.

## Board Administration

### Minutes

Mr. Gary Facemyer made a motion, seconded by Mr. Tom Rayburn to approve the Minutes from Meetings #330 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:

October 2022 – \$288,210.56

November 2022 - \$289,377.29

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

### Consideration of a Continuing Education Exemption

Mr. Gary Facemyer made a motion, seconded by Mr. Tom Rayburn to approve Mr. Michael Rose's required continuing education for the 2022 P.S. renewal. Motion carried.

### WV State Specific Exam Discussion

Mr. Lantz Rankin made a motion, seconded by Mr. Gary Facemyer to create a committee to review and revise questions within the WVBPS exam question bank and to schedule an Exam Writing Workshop to revise the Spring 2023 WV State Specific Exam. Motion carried.

### Consideration of Retention Schedule

Mr. Tom Rayburn made a motion, seconded by Lantz Rankin to approve the proposed retention schedule. Motion carried.

### Consideration of Office Space

Mr. Gary Facemyer made a motion, seconded by Mr. Tom Rayburn to enter a 3-year lease for the new office space at 1124 Smith Street, Suite 1200, Charleston, WV. Motion carried.

### Legislative Discussion

Tabled.

### Technology Update

Executive Director Amber Shawver Legg updated the Board on the current database progress.

### Consideration of NCEES Interim Meeting

Mr. Gary Facemyer, Amber Shawver Legg, and Carla Williams will attend the NCEES Interim Meeting, to be held in Houston, Texas on April 27-29, 2023.

### Consideration of Question to the Board

Board staff and Board discussed questions submitted to the office.

### WVBPS Safety Committee Update

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

### Schedule Next Board Meeting

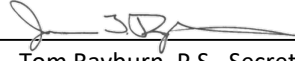
The next Board meeting has been scheduled for March 8, 2023 at 10 a.m. to be held at the Board office in Charleston, WV

There being no further business, Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer, that the meeting adjourn at 2:23 p.m. Motion carried.

Respectfully Submitted:



Sefton R. Stewart, P.S., Chairman



Tom Rayburn, P.S., Secretary