

MINUTES OF MEETING #338  
OF THE WEST VIRGINIA BOARD OF PROFESSIONAL SURVEYORS

April 9, 2024  
Charleston, WV



Present: Sefton R. Stewart, Chairman  
James T. Rayburn, *Secretary*  
Gary D. Facemyer, *Member*  
Lantz Rankin, *Member*  
Carla Williams, *Executive Director*  
Joanne M. Vella, *Assistant Attorney General*

The Chairman, Mr. Sefton Stewart, called Meeting #338 to order at 10:09 a.m. on Tuesday, April 9, 2024, and noted that the meeting was properly noticed by the West Virginia Secretary of State.

Delegations or Public Concerns: None at this time.

Executive Session

Mr. Gary Facemyer made a motion, seconded by Mr. Lantz Rankin, to enter Executive Session at 11:53 a.m. Motion carried.

Complaints:

C18-03 & C18-05: Per Consent/Supervisory Agreement, P.S. is required to provide progress reports. Mr. Rankin and Mr. Rayburn state that the performance of the P.S. while under this agreement is consistently a problem and feel deadlines should be enforced.

C22-13: Consent Agreement being offered; No response from PS. Probable cause has been found for Ms. Vella to proceed with planning a hearing.

Results of vote for proceeding to hearing: In favor: Mr. Sefton Stewart, Mr. Lantz Rankin, Mr. Tom Rayburn;

Opposed: Mr. Gary Facemyer

C23-07: Consent Agreement being offered; No response from PS, Probable cause has been found for Ms. Vella to proceed with planning a hearing. Failure to respond will be added to Statement of Charges for hearing.

Results of vote for proceeding to hearing: In favor: Mr. Sefton Stewart, Mr. Lantz Rankin, Mr. Tom Rayburn;

Opposed: Mr. Gary Facemyer

C23-09: Tabled

C23-16: Mr. Rankin spoke in detail with PS about Minimum Standards requirements, PS seems willing to make changes to correct survey, and is asking guidance from the Board. Mr. Rankin will speak with the complainant to determine a proposed outcome. If PS does not make corrections, the Board suggests possible Consent Agreement, and additional two credits each of Minimum Standards and Ethics.

C24-02: Response received 11/6/23, four deficiencies in plat provided. The following violations have been observed: 23-5-6.1.a., 30-13A-21.c, 30-13A-21.a, 23-5-3.a.A, 23-5-3.1.B. Awaiting response from PS after being informed of additional violations. Email was sent out by Board Office with no response received at this time.

C24-e: Board voted to open complaint and ask for P.S. Response. Minimum Standards violation determined as there is no acreage, and the map is incorrect. Board would like to add "rubber-stamping" added to the complaint, and possibly request records from Magistrate Court.

C24-05: Board has determined that PS has legal responsibility for survey as he has signed it.

C24-f: Complaint to be reviewed at next Complaint Review meeting.

Summary of the Executive Session was read aloud by the Executive Director. Mr. Tom Rayburn made a motion, seconded by Mr. Lantz Rankin at 12:24 p.m., to approve the items discussed in the Executive Session. Motion carried.

The Board reconvened in regular session at 1:12 p.m. after lunch.

Board Administration

Minutes

Mr. Tom Rayburn made a motion, seconded by Mr. Gary Facemyer, to approve Minutes from Meeting #337 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:

February 2024 - \$199,420.28

March 2024 - \$186,801.08

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

#### WV State Specific Exam Discussion

WVBPS hosted an Exam Review Workshop from March 22-23, 2024 to discuss and create questions for the State Specific Exam. The Board discussed the possibility of adding more attendees, as well as extending an invitation to include land and title lawyers.

The Board would like to implement the following suggestions:

1. Applicants should take the Exam within 4-6 weeks of submitting their completed application file.
2. Question bank should be moved to Microsoft Access

#### Matter of Appeal

A comity applicant for the State Specific Exam made an appeal to have his application accepted by the Board. The Board decided to meet with the candidate virtually and determined that he simply does not meet the educational requirements per the rules and regulations.

#### Consideration of Technical Matters

Thentia – Ms. Vella will continue to work on a letter to terminate the contract which Thentia may have already been violated on their end.

InLumon – Performance continues to be an issue. Mr. Rayburn will provide a secure place to store data once it has been released by InLumon. Ms. Williams will continue to utilize and work with InLumon in the meantime until a more suitable company is found.

Consideration of Front Desk Coverage of building: The Board has decided to assist with payment of a front desk worker upon entrance to the building. \_

#### NCEES Update



NCEES Northeast Zone interim meeting will be held May 2-4 in Washington, D.C. Mr. Gary Facemyer, and Carla Williams will attend on behalf of WVBPS. They are both currently registered.

#### Schedule Next Board Meeting

The next Board meeting will tentatively be scheduled for June 12, 2024. Ms. Williams will send out correspondence to confirm.

There being no further business, Mr. Lantz Rankin made a motion, seconded by Mr. Tom Rayburn, that the meeting be adjourned at 1:43 p.m. Motion carried.

Respectfully Submitted:

  
Sefton R. Stewart, P.S., Chairman  
Tom Rayburn, P.S., Secretary