

Performance Review

West Virginia Board of Registration for Professional Engineers

**The Board of Engineers Is Necessary to
Protect the Public Interest**

**The Board of Engineers Is in Compliance With
the Provisions of Chapter 30**

**The Board Has Exceeded Its Statutory Mission Through Its
Involvement With the Promotion of the Engineering Profession**

**The Board of Engineers Does Not Possess the Authority to
Offer Educational Programs to Assist Potential Applicants in
Preparing to Take the Board's Engineering Examinations**

**The Board Is Inappropriately Reimbursing the Executive
Director for Travel That Does Not Fulfill the Mandate of the Board**

**The Board Is Reimbursing Staff for Expenses That Do Not
Advance the Board's Statutory Mission**



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John Sylvia
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July 29, 2007

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The Honorable Jim Morgan
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Dear Chairs:

Pursuant to West Virginia Code §4-2-5, we are transmitting a Regulatory Board Review of the *West Virginia Board of Registration for Professional Engineers*, which will be presented to the Joint Committee on Government Operations and Joint Committee on Government Organization on Sunday, July 29, 2007. The issues covered herein are "*The West Virginia Board of Registration for Professional Engineers Is Necessary to Protect the Public Interest;*" "*Board of Engineers Is in Compliance With the Provisions of Chapter 30;*" "*The Board Has Exceeded Its Statutory Mission Through Its Involvement With the Promotion of the Engineering Profession;*" "*The Board of Registration for Professional Engineers Does Not Possess the Authority to Offer Educational Programs to Assist Potential Applicants in Preparing to Take the Board's Engineering Examinations;*" "*The Board Is Inappropriately Reimbursing the Executive Director for Travel That Does Not Fulfill the Mandate of the Board;*" and "*The Board Is Reimbursing Staff for Expenses That Do Not Advance the Board's Statutory Mission.*"

We transmitted a draft copy of the report to the West Virginia State Board of Registration for Professional Engineers on July 11, 2007. We held an exit conference with the West Virginia State Board of Registration for Professional Engineers on July 19, 2007. We received the agency response on July 23, 2007.

Let me know if you have any questions.

Sincerely,

Handwritten signature of John Sylvia in cursive script.
John Sylvia

JS/tlc

_____ *Joint Committee on Government and Finance* _____

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Executive Summary

Issue 1: The West Virginia Board of Registration for Professional Engineers Is Necessary to Protect the Public Interest.

Without regulation, the risk of improperly trained individuals providing engineering services would be greater.

The Legislative Auditor finds that the licensing of professional engineers is necessary for the protection of the citizens of West Virginia. Discontinuing the regulation of engineers would have an unfavorable effect on the citizens of West Virginia. Regulation of the engineering profession is a standard procedure practiced by all 50 states in one respect or another.

Without regulation, the risk of improperly trained individuals providing engineering services would be greater. It is the opinion of the Legislative Auditor that the Board of Registration for Professional Engineers provides an added layer of protection for citizens of the state.

The Board should discontinue requiring complaints to be notarized.

Issue 2: The Board Is in Compliance With the Provisions of Chapter 30.

The West Virginia Board of Registration for Professional Engineers (WVBRPE) has satisfactorily complied with the applicable state laws and rules. The Board should discontinue requiring complaints to be notarized. Although the Board has an accessible complaint form, reasonable average complaint resolution duration, and follows the policies and procedures for complaint resolution, the Legislative Auditor is concerned that the requirement of complaint notarization deters some citizens from filing a formal complaint. The Legislative Auditor surveyed surrounding states, and other states of similar size, to ascertain their complaint and licensee volume. West Virginia is one of only three states among the fifteen analyzed that requires notarization.

The Board of Registration for Professional Engineers has included in its mission the promotion and advocacy of the profession of engineering.

Issue 3: The Board Has Exceeded Its Statutory Mission Through Its Involvement With the Promotion of the Engineering Profession.

During the course of this audit, it has become apparent to the Legislative Auditor that the Board of Registration for Professional Engineers has included in its mission the promotion and advocacy of the profession of engineering. The following issues (4, 5, and 6) each provide instances where expenses were incurred for efforts, activities, and travel

that clearly fall outside the mission of a regulatory board.

While it is admirable that the Board would want to serve as an advocate for the field of engineering, statutory authority is not given for such activity.

While it is admirable that the Board would want to serve as an advocate for the field of engineering, statutory authority is not given for such activity. Promotion of a profession is not the purpose or nature of a Chapter 30 Regulatory Board. **In addition, a board's promotion of its profession could be viewed as a conflict of interest since a board's primary mission is to protect the public (§30-1-1a).** In the Legislative Auditor's opinion, any expenditure not related to these purposes is unnecessary and extraneous to the mission of the Board, and is an improper use of licensure fees.

Issue 4: The Board Does Not Possess the Authority to Offer Educational Programs to Assist Potential Applicants in Preparing to Take the Board's Engineering Examinations.

It is the Legislative Auditor's opinion that the West Virginia Board of Registration for Professional Engineers improperly provided \$9,000 to the ASCE for an educational program

In October 2005, the West Virginia Board of Registration for Professional Engineers contracted with the American Society for Civil Engineers (ASCE) to provide exam review courses. The disbursement for this educational program was in the amount of \$9,000. **The Legislative Auditor finds that the Board does not have the statutory authority to fund this program** It is the Legislative Auditor's opinion that the West Virginia Board of Registration for Professional Engineers improperly provided \$9,000 to the ASCE for an educational program. The Legislative Auditor recommends that the Board refrain from paying for educational programs of this kind in the future.

Issue 5: The Board Is Inappropriately Reimbursing the Executive Director for Travel That Does Not Fulfill the Mandates of the Board.

During the review of the West Virginia Board of Registration for Professional Engineers' Executive Director's travel expense forms, the Legislative Auditor noticed numerous trips for other organizations. Specifically, the purpose on many travel expense reimbursement forms was listed as either being for the American Society for Civil Engineers (ASCE) or for the National Council of Examiners for Engineering and Surveying (NCEES). The NCEES related travel could be relevant to the mission of the Board since it is the organization that writes and scores the engineering

examinations for the Board. The Legislative Auditor's concern is focused more on the travel expense reimbursement related to the ASCE.

The Legislative Auditor is concerned that the frequency and cost of these trips has crossed the threshold of being de minimis.

The Legislative Auditor finds that the Executive Director's travel to attend and serve at the ASCE meetings is unrelated to her duties with the Board. Even if attending ASCE training has some indirect benefits in managing the Board of Engineers, the Legislative Auditor is concerned that the frequency and cost of these trips has crossed the threshold of being de minimis. Legislative services' legal counsel was unable to find how ASCE trips correlate with the Board's statutory mission.

Issue 6: The Board Is Reimbursing Staff for Expenses That Do Not Advance the Board's Statutory Mission.

The promotion of engineering as a profession, nor hospitality and entertainment expenses, are clearly not provided for in the West Virginia Code.

Upon the review of Employee Reimbursement Request and Hospitality forms provided by the West Virginia Board of Registration for Professional Engineers, the Legislative Auditor questions the nature of many of the requests. The Legislative Auditor questions how some of these expenses are an acceptable use of the Board's revenues in advancing the mission of the Board. Expenses as a result of promoting the field of engineering were found in non-travel reimbursement requests as well. The intent to promote was again made clear in a number of descriptions on the invoices to the State Auditor for purchased products or services from a local marketing firm used by the Board. Such examples are: "promotional posters for universities, promotional T-shirt Licensure, other promotional materials, etc." The promotion of engineering as a profession, nor hospitality and entertainment expenses, are clearly not provided for in the West Virginia Code. Therefore, justification for related expenses are unfounded. **Therefore, the purchases are not appropriate.**

Recommendations

1. *The Legislative Auditor recommends that the Legislature continue the Board of Registration for Professional Engineers.*
2. *The West Virginia Board of Registration for Professional Engineers should amend its procedural rules to discontinue the requirement of verification of complaints by a notary public.*
3. *The West Virginia Board of Registration for Professional Engineers*

should refrain from funding educational programs associated with the American Society for Civil Engineers or any organization that does not relate to the Board's statutory mandate.

4. *The West Virginia Board of Registration for Professional Engineers should cease reimbursing expenses for ASCE-related travel and travel on behalf of representation for other similar organizations. Furthermore, annual leave should be taken by Board staff while attending those meetings on workdays.*
5. *The Legislative Auditor recommends that the Board discontinue hospitality and entertainment expenditures related to the promotion of engineering.*

Review Objective, Scope and Methodology

This Regulatory Board Evaluation of the Board of Registration for Professional Engineers is authorized by §4-2-5 of the *West Virginia Code*, as amended. The Board is intended to protect the public interest regarding the practice of Professional Engineering.

Objective

The objective of this audit is to determine if the Board is necessary for protecting the public interest and whether or not the Board is operating in compliance with the provisions of Chapter 30 of the *West Virginia Code* and other applicable laws and rules.

Scope

The scope of the audit is calendar year 2003 through 2007 (partial).

Methodology

Information compiled in this report has been acquired through communication with and documentation from the Board. Documents obtained from the Board included: annual reports; Board minutes; Board procedures for investigating and resolving complaints; procedures for verification of continuing professional education; and Board and licensee rosters. Legal counsel from Legislative Services provided legal opinions and financial information was provided by the Auditor of State and the Department of Administration. Every aspect of this review complied with Generally Accepted Government Auditing Standards (GAGAS).

Issue 1

The West Virginia Board of Registration for Professional Engineers Is Necessary to Protect the Public Interest.

The Legislative Auditor finds that the licensing of professional engineers is necessary for the protection of the citizens of West Virginia.

Issue Summary

The Legislative Auditor finds that the licensing of professional engineers is necessary for the protection of the citizens of West Virginia. Licensure serves the public interest by protecting it from the actions of incompetent and negligent engineers. Because of the potential to affect the financial and physical well-being of many citizens at the same time, licensure is especially imperative and should be continued.

This report is a *Regulatory Board Evaluation* that requires by law a determination of whether licensure is necessary for public protection. In determining if there is a need for licensure of professional engineers, a primary consideration is the extent to which significant and discernable effects on public welfare would occur if the agency were abolished. **The Legislative Auditor finds that the licensing of professional engineers is necessary for the protection of the citizens of West Virginia.** Discontinuing the regulation of engineers would have an unfavorable effect on the citizens of West Virginia.

Discontinuing the regulation of engineers would have an unfavorable effect on the citizens of West Virginia.

As of October 4, 2006, the West Virginia Board of Registration for Professional Engineers licensed 6,088 Professional Engineers (P.E.), 248 retired P.E.'s, and 1,962 Certificates of Authorization. Certificates of Authorization (COA) are required for an entity to provide engineering services on projects in West Virginia. Among the requirements necessary to obtain a COA, the entity must have at least one individual licensed as an active West Virginia P.E. and noted as the Engineer in Responsible Charge.

Regulating the engineering profession is a standard procedure practiced by all 50 states in one respect or another.

Regulating the engineering profession is a standard procedure practiced by all 50 states in one respect or another. According to the Executive Director of the Board:

The regulation of engineers and land surveyors protects the public from incompetent, negligent, and unscrupulous individuals who would offer such services without having met any qualifications. There is a substantial risk of physical harm to the public from faulty engineering work. Engineers make professional judgments, which have major financial, health, safety, and other significant con-

Regulation of the engineering profession is necessary for the state of West Virginia to protect the public from financial loss and physical harm due to incorrect conception or construction of public facilities.

sequences on a daily basis. The highways, bridges, dams, waterways, buildings, and electrical and mechanical systems in buildings are all products of engineering. Consequences of poorly designed bridges or buildings include deaths and injuries as well as financial hardship to the property owner ultimately responsible for the damages and reconstruction.

The Legislative Auditor agrees with this statement. Licensure serves the public interest by protecting it from the actions of incompetent and negligent engineers. Regulation of the engineering profession is necessary for the state of West Virginia to protect the public from financial loss and physical harm due to incorrect conception or construction of public facilities.

Professional engineers are responsible for safeguarding the life, health, property, and public welfare by adhering to the professional standards and educational requirements set forth by the Board.

The importance associated with licensure is enhanced by the ability of an engineer to affect the physical and financial well-being of many citizens at the same time. For instance, an incident at the Missouri Hyatt Regency Hotel on July 17, 1981 was an extreme example of the danger involved in the design phase of a public structure. The walkways of this hotel collapsed during a party in the atrium lobby and caused the death of 114 people and injury of 200 people. The accident also cost millions of dollars. This accident was a by-product of a dispute and negligence among the contractors, the engineering design firm, and the fabricator. Within West Virginia, there have been problems due to faulty engineering as well. An example of such an event took place at a church in Morgantown, West Virginia. In this case, the roof over the Sunday school rooms buckled and sagged under a snow load, to the point that the sprinkler system fell from the roof structure and flooded the building. Investigation of the incident found that the metal building manufacturer had used a defective engineering software program to design the rafters. These are just two examples of problems due to faulty engineering. Without regulation, the risk of improperly trained individuals providing engineering services would be greater. **It is the opinion of the Legislative Auditor that the Board of Registration for Professional Engineers provides an added layer of protection for citizens of the state.**

Conclusion

Professional engineers are responsible for safeguarding the life, health, property, and public welfare by adhering to the professional standards and educational requirements set forth by the Board. Engineers require a high degree of technical knowledge and skill. Not only does this

affect citizens on a monetary basis but it also affects safety. Licensure of the engineering profession is necessary for the state of West Virginia to protect the public from physical harm and financial loss due to the use of negligent design and poor construction. **Therefore, it is the Legislative Auditor's opinion that the licensure of this profession protects the public and should be continued.**

Recommendation

1. *The Legislative Auditor recommends that the Legislature continue the Board of Registration for Professional Engineers.*

Issue 2

The Board Is in Compliance With the Provisions of Chapter 30.

The West Virginia Board of Registration for Professional Engineers (WV-BRPE) has satisfactorily complied with the applicable state laws and rules.

The West Virginia Board of Registration for Professional Engineers (WVBRPE) has satisfactorily complied with the applicable state laws and rules. These laws and rules, primarily found within the Board's own enabling statute and in the general provisions of Chapter 30, are important in the effective operation of a licensing board. The Board has complied with the following requirements:

- An official seal has been adopted (§30-1-4);
- A staff member attended the orientation session provided by the State Auditor (§30-1-2a(b));
- Officers are elected annually (§30-1-3(a));
- The Board meets at least once annually (§30-1-5(a));
- The Board has set fees by rule (§30-1-6(c));
- The Board's meetings are open to the public and published in a timely manner (§6-9(a)-3);
- The Board maintains a record of its proceedings (§30-1-12(a));
- The Board has a listing in the state government section of the Charleston area telephone book and a comprehensive web site (§30-1-12(c));
- The Board has prepared and maintained a roster of all licensees that can be organized both alphabetically and by county employed (§30-1-13); and
- The Board submits annual reports to the Governor and the Legislature (§30-1-12(b)).

The Board Resolves Complaints With Due Process

The Board investigates and resolves complaints with due process and rules have been promulgated, as required by West Virginia Code §30-1-8(h), that specify the investigation and resolution procedure of all complaints. Complaints may be filed by a person, legal entity, or be

Formal complaints must be completed on a form provided on the Board web site, and verified by a notary public.

initiated by the Board. Formal complaints must be completed on a form provided on the Board web site, and verified by a notary public. Complaints may be received via facsimile or other electronic transmission provided that the original documents are produced within 14 days of filing. A log of complaints is maintained. Upon receipt of the complaint, a notice is sent to the licensee via certified mail and is given 30 days to respond. Failure to respond in writing to the Board in the given time period is admission to the allegations. Within 60 days of a complaint being filed, the presiding officer is to set a hearing date and time. All complaints are to be heard within six months of the receipt and filing. The following table shows the duration of Board complaints from filing to resolution.

Table 1 Complaint Duration from Filing to Resolution							
	1-60 Days	61-120	121-180	181-240	241-300	300+	Total
FY 2004	0	1	3	0	0	1	5
FY 2005	5	0	0	3	1	2	11
FY 2006	6	6	4	1	0	0	17
FY 2007*	3	0	0	0	0	0	3
Totals	14	7	7	4	1	3	36
<i>Source: WVBRPE complaint log, annual reports, and web site. *Through October 4, 2006</i>							

All money collected from fines is deposited into the general revenue fund with the exception of administrative costs as required by law.

Upon review of the formal complaints, it was determined that the mean duration of a complaint from filing to resolution is 123 days. The time needed for resolution ranged from 7 days to 472 days, with nearly half of the total complaints being resolved within 60 days. A vast majority of complaints filed were against individuals for practicing without a license, or companies for practicing without a certificate of authorization. Fines and administrative costs may be added to the original disciplinary action. All money collected from fines is deposited into the general revenue fund with the exception of administrative costs as required by law.

The Board Should Discontinue Requiring Complaints to Be Notarized

Although the Board has an accessible complaint form, reasonable average complaint resolution duration, and follows the policies and procedures for complaint resolution, the Legislative Auditor is concerned

The Legislative Auditor is concerned that the requirement of complaint notarization deters some citizens from filing a formal complaint.

that the requirement of complaint notarization deters some citizens from filing a formal complaint. The Legislative Auditor surveyed surrounding states, and other states of similar size, to ascertain their complaint and licensee volume. The Legislative Auditor then attempted to determine whether the requirement that a complaint be notarized affected the complaint volume. West Virginia is one of only three states among the fifteen analyzed that requires notarization. The Legislative Auditor could not conclude whether a notarization requirement had a negative affect on the total number of formal complaints.

In June 2005, the Legislative Auditor issued a Regulatory Board Evaluation on the Real Estate Commission. At that time, the Commission interpreted the language “verified complaint” in its enabling statute, §30-40-20(a), as a requirement for notarization of complaints submitted to the Commission. However, that report indicated that this interpretation could be the cause for a limited number of complaints. As a result of the report, the Legislature passed House Bill 4606 in its 2006 Regular Session that addressed the misinterpretation of the code. The Real Estate Commission’s statute was amended as follows:

Consequently, this statutory change reflects the Legislature’s intent that notarization of complaints should not be required.

The commission may upon its own motion and shall upon the verified complaint in writing of any person filing of a complaint setting forth a cause of action under this article or the rules promulgated thereunder, ascertain the facts and if warranted hold a hearing for the suspension or revocation of a license, or the imposition of sanctions against a licensee.

Consequently, this statutory change reflects the Legislature’s intent that notarization of complaints should not be required. Therefore, the Board of Engineers should discontinue the practice of requiring complaints to be notarized.

The Board of Registration for Professional Engineers is financially self-sufficient as required by West Virginia Code §30-1-6(c).

The Board Is Financially Self-sufficient

The Board of Registration for Professional Engineers is financially self-sufficient as required by West Virginia Code §30-1-6(c). As shown in Table 2, the year-end balance averages \$785,625. This large balance offsets the average expenses, \$576,911, being greater than the average revenue, \$564,713. Overall the Board is financially self-sufficient.

Licensees requesting renewal of their license shall provide evidence of obtaining 15 professional development hours (PDH's) during the previous year.

The applications for PDH credit are submitted on a standardized form to the Board for review.

Fiscal Year	Beginning Balance	Revenue	Expenses	Year End Balance
2003-2004	\$821,705	\$518,861	\$555,537	\$785,030
2004-2005	\$785,030	\$594,804	\$593,291	\$786,543
2005-2006	\$786,543	\$580,663	\$581,905	\$785,301
Average	\$797,759	\$564,776	\$576,911	\$785,625

Source: Digest of Revenue Sources in West Virginia, Legislative Auditor's Office.

The Board Has Established Professional Continuing Education Requirements

The West Virginia Board of Registration for Professional Engineers is required by law to ensure that its licensees continue their education, as required by West Virginia Code (§30-1-7(a)).

The Legislative Rules governing the Board specify the quantity and type of training to be obtained. Legislative Rule §7-1-10 states that licensees requesting renewal of their license shall provide evidence of obtaining 15 professional development hours (PDH's) during the previous year. In the event that a licensee obtains PDH's in excess of 15 hours, up to eight may be carried over to the next year. This training may be in the form of a college course, continuing education course, as well as a correspondence, televised, videotaped, or other form of short course or tutorial. An engineer may also teach a class or author a published paper, article, or book to fulfill the requirement.

The Board does not have a pre-approved list of providers or qualifications for obtaining PDH's. The applications for PDH credit are submitted on a standardized form to the Board for review. In that process, the validity of the request is determined. The Board uses a 3 - 5% random sample of licensee continuing education requests to populate the audit list each year. Also, all questionable requests are added to the audit list for verification. Furthermore, one Board member is selected each year to be audited independent of the random sample and questionable requests.

Conclusion

The Board is in general compliance with the provisions of Chapter 30. The Board has due process in its complaints resolution process, requires continuing education, and it is accessible to the public. The Board is financially stable and has a reasonable year-end balance. However, there are certain areas of operation that the Board should address. Requiring the notarization of complaints may deter some members of the public from filing a complaint. The Legislature, through its amendment of the Real Estate Commission's statute, has express the intent that licensing boards should not require complaints to be notarized.

The Board is in general compliance with the provisions of Chapter 30.

Recommendations

2. *The West Virginia Board of Registration for Professional Engineers should amend its procedural rules to discontinue the requirement of verification of complaints by a notary public.*

Issue 3

The Board Has Exceeded Its Statutory Mission Through Its Involvement With the Promotion of the Engineering Profession.

During the course of this audit, it has become apparent to the Legislative Auditor that the Board of Registration for Professional Engineers has included in its mission the promotion and advocacy of the profession of engineering. The following issues (4, 5, and 6) each provide instances where expenses were incurred for efforts, activities, and travel that clearly fall outside the mission of a regulatory board. West Virginia Code states in §30-1-1a that:

It has become apparent to the Legislative Auditor that the Board of Registration for Professional Engineers has included in its mission the promotion and advocacy of the profession of engineering.

The fundamental purpose of licensure and regulation is to protect the public....

The instances cited in the following issues are not related to protecting the public, but instead either provide for the personal and professional advancement of some Board staff or for the advancement of those with interests in the engineering profession. Instances that are cited include:

- offering educational programs to assist potential applicants for the engineering examination,
- reimbursing travel for the Board's Executive Director related to the American Society for Civil Engineers, and
- hosting National Youth Science Camp students by paying for meals and renting a vehicle for transportation.

Upon review of the Board's activities that are not related to the regulation of the engineering profession, the Legislative Auditor has concluded the following:

- The Board does not possess the authority to offer educational programs to assist potential applicants in preparing to take the Board's engineering examinations (Issue 4).
- The Board is inappropriately reimbursing the Executive Director for travel expenses to attend meetings that do not relate to the Board's statutory mission (Issue 5).

-
- The Board is reimbursing staff for expenses incurred in activities that do not fulfill the Board's statutory mission (Issue 6).

While it is admirable that the Board would want to serve as an advocate for the field of engineering, statutory authority is not given for such activity. Promotion of a profession is not the purpose or nature of a Chapter 30 Regulatory Board. **In addition, a board's promotion of its profession could be viewed as a conflict of interest since a board's primary mission is to protect the public (§30-1-1a).**

Regulatory boards are relatively limited in their mandated scope...any expenditure not related to these purposes is unnecessary and extraneous to the mission of the Board, and is an improper use of licensure fees.

Regulatory boards are relatively limited in their mandated scope. Boards are intended to

- ensure that only qualified applicants are licensed or registered,
- administer continuing education, and
- investigate complaints with due process.

The intended usage of funds received by all boards from its registrants is to fulfill the above-stated purposes. In the Legislative Auditor's opinion, any expenditure not related to these purposes is unnecessary and extraneous to the mission of the Board, and is an improper use of licensure fees.

Issue 4

The Board Does Not Possess the Authority to Offer Educational Programs to Assist Potential Applicants in Preparing to Take the Board's Engineering Examinations.

Issue Summary

The West Virginia Board of Registration for Professional Engineers contracted with the American Society for Civil Engineers (ASCE) to provide an educational program to potential applicants who were preparing to take the Civil Engineering Professional Engineer Exam.

The West Virginia Board of Registration for Professional Engineers contracted with the American Society for Civil Engineers (ASCE) to provide an educational program to potential applicants who were preparing to take the Civil Engineering Professional Engineer Exam. The cost to the Board for this program was \$9,000. Legislative Services legal counsel, however, has found this action of the Board to be unauthorized by code. Therefore, the Legislative Auditor finds that the Board should avoid this practice in the future.

The Board Assisted in Funding an Engineering Examination Training Course

The cost to the Board for this program was \$9,000.

In October 2005, the West Virginia Board of Registration for Professional Engineers contracted with the American Society for Civil Engineers (ASCE) to provide exam review courses. The disbursement for this educational program was in the amount of \$9,000. The West Virginia Young Member Forum of the ASCE, specifically, was the group responsible for promoting and executing the review training sessions. Not only did this program target exam applicants, but also anyone who anticipated sitting for the Principles of Practice engineering exam within the succeeding 12 months. The sessions included three options: a twice weekly review; a marathon or intensive review; or both options combined. The course material covered in the sessions was geared toward the Civil Engineering Professional Engineer Exam and included: structural analysis, surveying, soil mechanics, foundation engineering, hydraulics, water supply, steel design, environmental engineering, traffic engineering, hydrology, construction materials, and structural design. Attendees were charged by the ASCE for taking the course.

Not only did this program target exam applicants, but also anyone who anticipated sitting for the Principles of Practice engineering exam within the succeeding 12 months.

The Board Improperly Funded Educational Programs for

Potential Applicants

The Legislative Auditor determines that an educational program for potential applicants is not a necessary or reasonable expense for operation of the Board.

The Legislative Auditor finds that the Board does not have the statutory authority to fund this program. In response to the question of what authority the Board had in funding this program, the Board's Executive Director cited §30-13-10. This section of the code states that the Board may use its fees to

...employ necessary staff, pay for membership fees to the national council of examiners for engineering and surveying and for any other necessary and reasonable expense of the board.

The Legislative Auditor determines that an educational program for potential applicants is not a necessary or reasonable expense for operation of the Board. Legislative Services legal counsel reviewed the Board's action. The legal opinion stated that:

If the Legislature intended for the Board to provide funding for such programs, it could have easily provided express authority for the Board to do so.

...I find no express provision that gives the Board the authority to offer educational programs to assist potential applicants in preparing to take the Board's examinations. The statutes neither expressly give the Board that authority, nor, in my opinion, is the authority necessarily or reasonably incident to any of the powers specifically provided. Consequently, it is my opinion that the Board does not possess the authority to offer educational programs to assist potential applicants in preparing to take the Board's engineering examinations.

Although the program may have been offered with good intentions, the result is an unnecessary and improper use of license fee revenue.

Thus, it is the Legislative Auditor's opinion that the West Virginia Board of Registration for Professional Engineers improperly provided \$9,000 to the ASCE for an educational program. If the Legislature intended for the Board to provide funding for such programs, it could have easily provided express authority for the Board to do so. Although the program may have been offered with good intentions, the result is an unnecessary and improper use of license fee revenue. The Legislative Auditor recommends that the Board refrain from paying for educational programs of this kind in the future.

Conclusion

Upon review of the statutory provisions set forth by the West Virginia Code, the Legislative Auditor could not find authorization for the West Virginia Board of Registration for Professional Engineers to provide funding to the American Society for Civil Engineers for an educational program. This was verified by legal staff from Legislative Services. Providing this funding is not a part of the intended mission of the Board, and is a misuse of engineering licensee fees.

Providing this funding is not a part of the intended mission of the Board, and is a misuse of engineering licensee fees.

Recommendation

3. *The West Virginia Board of Registration for Professional Engineers should refrain from funding educational programs associated with the American Society for Civil Engineers or any organization that does not relate to the Board's statutory mandate.*

The Board Is Inappropriately Reimbursing the Executive Director for Travel That Does Not Fulfill the Mandate of the Board.

Issue Summary

The Legislative Auditor has reviewed travel reimbursement settlement forms submitted by the Executive Director of the Board. As a result of reviewing the forms, the Legislative Auditor has found that the Executive Director has been reimbursed by the Board on multiple occasions for travel that, according to Legislative Services legal counsel, does not further the statutory mission of the Board.

The NCEES related travel could be relevant to the mission of the Board since it is the organization that writes and scores the engineering examinations for the Board.

The Board of Registration for Professional Engineers Is Reimbursing the Executive Director for Trips Related to Her Activities as a Member of the American Society for Civil Engineers

During the review of the West Virginia Board of Registration for Professional Engineers' Executive Director's travel expense forms, the Legislative Auditor noticed numerous trips for other organizations. Specifically, the purpose on many travel expense reimbursement forms was listed as either being for the American Society for Civil Engineers (ASCE) or for the National Council of Examiners for Engineering and Surveying (NCEES). The NCEES related travel could be relevant to the mission of the Board since it is the organization that writes and scores the engineering examinations for the Board. The Legislative Auditor's concern is focused more on the travel expense reimbursement related to the ASCE. The ASCE is a national civil engineer organization with the following mission as stated in its 2006 Annual Report:

ASCE's mission is to provide essential value to our members, their careers, our partners and the public by developing leadership, advancing technology, advocating lifelong learning, and promoting the profession.

The Executive Director is currently the chairperson for two ASCE section committees: the Fund Raising Committee, and the Continuing Education Committee. The Legislative Auditor questions how ASCE related travel is relevant to the mission of the West Virginia Board of

Registration for Professional Engineers. The ASCE's goal is to promote and benefit the civil engineering profession. This is not the mandate of the Board of Engineers. Table 3 below lists 28 occasions over a four year period where the Executive Director attended ASCE related events. As the table shows, the Executive Director has been reimbursed \$10,247.

The ASCE's goal is to promote and benefit the civil engineering profession.

It must be noted that the expenses are low in relation to the number of trips because the ASCE often covers airfare and partial lodging. The Board usually covers the balance of other costs incurred during the trip such as: the remaining balance on lodging; per diem; vehicle rental; mileage; gasoline; and tips and other incidentals. The ASCE partial reimbursement of travel costs can be taken as a form of payment for the Executive Director's service as a committee chairperson. If the Executive Director was a self-employed civil engineer, the ASCE's partial reimbursement would be a personal benefit. The Legislative Auditor finds that the Executive Director's travel to attend and serve at the ASCE meetings is unrelated to her duties with the Board of Registration for Professional Engineers. The service she provides the ASCE as chairperson of two committees is at best remotely related to her position as the executive director of an engineering licensing board. The training she receives from attending ASCE meetings are intended to primarily enhance her engineering skills, not her management skills for operating a licensing board. There may be instances in which some of the training she receives through the ASCE may indirectly benefit her management of the Board. Nevertheless, it is clear that the ASCE mission is primarily for advancing the engineering profession. Even if attending ASCE training has some indirect benefits in managing the Board of Engineers, the Legislative Auditor is concerned that the frequency and cost of these trips has crossed the threshold of being de minimis.

The Legislative Auditor is concerned that the frequency and cost of these trips has crossed the threshold of being de minimis.

Table 3			
Executive Director's ASCE Travel			
	Dates	Location	Reimbursement
2006	October 20-22	Chicago, IL	\$586
	September 29-October 1	Reston, VA	\$524
	August 29	Montgomery, WV	\$45
	September 6-9	Shepherdstown, WV	\$815
	June 13	Montgomery, WV	\$40
	April 27-30	Reston, VA	\$474
	April 20-24	Huntington, WV	\$377
	March 3-5	Galveston, TX	\$302
	February 1	Parkersburg, WV	\$83
2005	September 16-18	Parkersburg, WV	\$562
	September 8-10	Charlotte, NC	\$625
	June 14	Montgomery, WV	\$45
	March 31-April 2	Cincinnati, OH	\$217
	January 21-24	Orlando, FL	\$415
2004	November 28	Montgomery, WV	\$45
	October 21-23	Baltimore, MD	\$823
	September 24-26	Virginia (Various)	\$297
	September 9-12	Elkins, WV	\$818
	May 7-10	Denver, CO	\$496
	April 1-4	Morgantown, WV	\$101
	March 27-28	Kansas City, MO	\$192
	March 18-21	Williamsburg, VA	\$483
	February 26-28	Minneapolis, MN	\$604
	January 23-26	New Orleans, LA	\$422
2003	November 20	Montgomery, WV	\$100
	November 13	Fairmont, WV	\$100
	October 30-November 3	Phoenix, AZ	\$522
	October 10-11	Reston, VA	\$134
	Totals	28 Trips	\$10,247
<i>Source: Legislative Auditor's analysis of Board of Registration for Professional Engineers' travel reimbursement forms</i>			

Reimbursement for ASCE Trips Is an Improper Usage of Licensure Fee Moneys

The Executive Director has been reimbursed for a total of 50 trips since September 2003.

According to §30-13-10, as stated in Issue 4, the Board may use license fees to:

...employ necessary staff, pay for membership fees to the national council of examiners for engineering and surveying and for any other necessary and reasonable expense of the board....

Of the 50 trips, 28 were for ASCE related travel.

The Executive Director has been reimbursed for a total of 50 trips since September 2003. This includes travel to Board meetings and other events. Of the 50 trips, 28 were for ASCE related travel. As shown in Table 4, the Executive Director's reimbursement for ASCE related travel is in excess of \$10,000 for a three year period. The Legislative Auditor does not question the Executive Director's activity with the ASCE, and finds that professional development is an important part of an individual's overall career objective. However, the Legislative Auditor questions the relativity of these expense reimbursements to the Board's mission. **The Legislative Auditor finds that the benefit to the Board and to the approximately 7,000 licensees is remote at best given that the Executive Director's general involvement with the ASCE and chairing of committees of the same is neither required or authorized by legislative rule or West Virginia Code.**

The Legislative Auditor questions the relativity of these expense reimbursements to the Board's mission.

Table 4			
Executive Director's Travel Expenses			
September 2003 - October 2006			
Year	ASCE	Other	Total
2003	\$856	\$244	\$1,100
2004	\$4,281	\$2,285	\$6,566
2005	\$1,864	\$1,505	\$3,369
2006	\$3,246	\$4,483	\$7,729
Total	\$10,247	\$8,517	\$18,764

Source: WV Expense Account Settlement Forms

Legislative Services' Legal Counsel Unable to Find How ASCE Trips Correlate With the Board's Statutory Mission

The Legislative Auditor examined the Board's statute to determine whether the activities for which the Executive Director participated, and was reimbursed, directly advanced the Board's statutory mission. The Board's statutory mission primarily involves: regulating the practice of engineering; providing for the registration of qualified persons as professional engineers and the certification of engineer interns; adopting rules of professional responsibility for professional engineers; enforcing the relevant statute and rules; requiring continuing professional competency in engineering as a condition of renewal for re-registration; establishing examination criteria including the acceptable passing grade; conducting examinations; and publishing a brochure relating to the requirements and specifications of the written examination. Following a review of the travel expenses, Legislative Services legal counsel stated:

I find no provisions in the code that indicate that the Board's mission includes acting as a general organization to promote the profession of engineering.

I find no provisions in the code that indicate that the Board's mission includes acting as a general organization to promote the profession of engineering, to conduct recruitment activities, or to otherwise encourage individuals to choose engineering as a profession.

In relation to the specific travel reimbursements that the Executive Director has received, legal counsel stated:

I have insufficient information to offer an opinion regarding whether all of the Executive Director's reimbursement involved activities which directly advanced the Board's statutory mission. However, it is not apparent from the descriptions provided how some of the activities relate to the Board's statutory mission. For example, the following descriptions fail to have an obvious connection to the Board's statutory mission:

To conduct the 2006 WV Statewide West Point Bridge Design Competition.

To present a three-day workshop at the Zone II ASCE Management Conference and Workshop for Student Chapter Leaders.

To attend ASCE Ohio Valley Regional Conference as Zone II Committee on Student Activities representative.

In addition to the trips questioned by legal counsel, the Legislative Auditor also questions other trips and their relationship to the Board's statutory mission. The other questionable trips and stated purpose for travel are as follows:

The Legislative Auditor also questions other trips and their relationship to the Board's statutory mission.

To serve as Past-President of ASCE and to organize and host 2004 ASCE Annual meeting for the West Virginia Section.

To attend the 2006 ASCE Annual Conference, receive an award, and participate in EdaC Committee Weekend.

To make a presentation at Camp STEM, sponsored by WVU Tech.

A job description does not supersede statutory authority, and it is unclear how this justification explains the ASCE-related travel.

The Executive Director of the Board cited the following section of her job description to explain the justification for travel on behalf of the ASCE:

This person [Executive Director] is responsible for administration, financial, investigative, and managerial work to carry out the required functions and activities set forth under state laws and regulations and the engineering code of conduct. This work is dynamic due to the mission of the board and the extensive inter-relationships with the legislature, the various departments of state government, the national and state boards, the state professional engineers society, and the founder engineering societies.

A job description does not supersede statutory authority, and it is unclear how this justification explains the ASCE-related travel. **As a result of this analysis, the Legislative Auditor finds that reimbursement of the Executive Director's travel for the ASCE by the Board of Registration for Professional Engineers is inappropriate.** The Executive Director's travel for ASCE-related work does not fulfill the Board's statutory mandate. The Legislative Auditor recommends that the Board cease paying expenses for ASCE-related travel and travel on behalf of representation for other organizations that do not directly relate to the

Board's statutory mandate. While the Board has made activity in the ASCE and other organizations part of the Executive Director's job description, it is not related to the Board's statutory mission and annual leave should be taken by the Executive Director or other Board staff while attending those meetings on workdays.

Conclusion

The Legislative Auditor does not question the need for travel by the Executive Director of a Board when it is on behalf of the Board and advances its statutory mission. However, expenses that are a direct result of travel for organizations of which the Executive Director holds a voluntary leadership position and does not directly relate to the Board's statutory mandate should not be reimbursed by the Board. This amounts to personal travel and should be treated as such. Similarly, fulfilling these obligations on regular work days should result in annual leave being taken.

Recommendation

- 4. The West Virginia Board of Registration for Professional Engineers should cease reimbursing expenses for ASCE-related travel and travel on behalf of representation for other similar organizations. Furthermore, annual leave should be taken by Board staff while attending those meetings on workdays.*

Issue 6

The Board Is Reimbursing Staff for Expenses That Do Not Advance the Board’s Statutory Mission.

Issue Summary

The Legislative Auditor has reviewed the expense reimbursement provided by the Board. As stated in previous issues, expenses intended to advance or promote the profession of engineering lie outside the Board’s statutory mission and should not be reimbursed by the State.

The Description of Other Expenses and Hospitality Do Not Appear to Advance the Board’s Statutory Mission

The Legislative Auditor questions how some of these expenses are an acceptable use of the Board’s revenues and advance the mission of the Board.

Upon the review of Employee Reimbursement Request and Hospitality forms provided by the West Virginia Board of Registration for Professional Engineers, the Legislative Auditor questions the nature of many of the requests. The list provided below is a summary of the itemized reimbursement request forms that the Board staff submitted to the State Auditor’s Office. The Legislative Auditor questions how some of these expenses are an acceptable use of the Board’s revenues and advance the mission of the Board. Please note that the date on the left is the date of the invoice, while the date of the purchase is provided by each vendor name.

08/23/06	PE Board staff meeting and 2 West Point Bridge Stakeholders meetings at WVDOT, Charleston, WV	
	GRAZIANO'S (08/06/06)	
	(2) Large Pizzas, (1) Large Salad	
	Attendees: Board Staff, Executive Director Purpose: Staff Meeting	38.00
	STATE CAPITOL CAFETERIA (07/08/06)	
	(7) Lunches Attendees: WV-DOH, WV-DOE, N. Rahall officials, WV-BRPE Exec. Dir.	
	Purpose: To discuss the future of West Point Bridge Design Contest	47.00
	STATE CAPITOL CAFETERIA (07/27/06)	
	(6) Lunches Attendees: WV-DOH employees, Executive Director, Consultants	
	Purpose: To discuss final details, funding, appointments, etc.	45.00
		\$130.00
07/14/06	Breakfast and dinner for 4 students attending the National Youth Science Camp	
	HIBACHI JAPANESE STEAKHOUSE AND SUSHI BAR (06/25/06)	
	(6) Dinners Attendees: (4) Students, Executive Director, Host Family	
	Purpose: National Youth Science Camp	306.55
	BOB EVANS (06/26/06)	
	(5) Breakfasts Attendees: (4) Students, Executive Director, Host Family	
	Purpose: National Youth Science Camp	37.99
	THE CLAY CENTER (06/25/06)	
	(6) Entrance Tickets Attendees: (4) Students, Executive Director, Host Family	56.00
		\$400.54
06/26/06	Needed larger vehicle for transporting 4 students for National Youth Science Camp	
	ENTERPRISE CAR RENTAL (06/24/06)	116.46
	Hosting four delegates for National Youth Science Camp Kick-off Activities	
	7-11 Gas (06/24/06)	56.68
		\$173.14

06/28/04	Reimburse for LaserJet paper, lunch and dinner for National Science Foundation Delegates (3) and (2) Governor's Honors Academy participants	
	BENNIGAN'S (07/24/04)	
	(4) Lunches Attendees: (3) National Science Camp delegates, Exec. Dir.	
	Purpose: Host students interested in science/engineering career	50.00
	HIBACHI JAPANESE STEAKHOUSE AND SUSHI BAR (07/24/04)	
	(8) Dinners Attendees: National Science Camp Delegates, Gov. Honors Academy & Parents	
	Purpose: Host students and parents of future engineers	160.00
		\$210.00

Expenses as a result of promoting the field of engineering were found in non-travel reimbursement requests as well.

In previous issues, the matter of promoting engineering as a profession and related travel expenses was outlined as a concern. As the data above indicate, expenses as a result of promoting the field of engineering were found in non-travel reimbursement requests as well. The intent to promote was again made clear in a number of descriptions on the invoices to the State Auditor for purchased products or services from a local marketing firm used by the Board. Such examples are: “*promotional posters for universities, promotional T-shirt Licensure, other promotional materials, etc.*” In a legal opinion partially cited in Issue 4 of this report, counsel stated:

...From reviewing Articles 1 and 13 of Chapter 30 of the West Virginia Code, the Board's statutory mission primarily involves:

Regulating the practice of engineering;

Providing for the registration of qualified personas as professional engineers and the certification of the engineer interns;

Adopting rules of professional responsibility for professional engineers;

Enforcing the law and its rules;

Requiring continuing professional competency in engineering as

a condition of renewal or re-registration;

Establishing examination criteria including the acceptable passing grade; conducting examinations; and

Publishing a brochure relating to the requirements and specifications of the written examination.

I find no provisions in the Code that indicate that the Board's mission includes acting as a general organization to promote the profession of engineering, to conduct recruitment activities or to otherwise encourage individuals to choose engineering as a profession.

It is the Legislative Auditor's opinion that promoting the profession of engineering is outside the duties required by the Legislature.

The promotion of engineering as a profession, nor hospitality and entertainment expenses, are clearly not provided for in the West Virginia Code. Therefore, justification for related expenses are unfounded. Clearly expenditures such as dinners and a rental vehicle for science camp attendees or promotional T-shirts do not aid in the regulation of Professional Engineers. In addition to expenses included above, the Legislative Auditor questions an instance where the meal for a Board staff person's spouse was included in a reimbursement. **Therefore, the purchases are not appropriate.**

Conclusion

It is the Legislative Auditor's opinion that promoting the profession of engineering is outside the duties required by the Legislature. While expenses that have been illustrated indicate a relation towards the fostering of the profession of engineering, they are not related to the regulation of the same.

Recommendation

5. *The Legislative Auditor recommends that the Board discontinue hospitality and entertainment expenditures related to the promotion of engineering.*

Appendix A: Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

Building 1, Room W-314
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0610
(304) 347-4890
(304) 347-4939 FAX



John Sylvia
Director

July 11, 2007

Lesley L. Rosier-Tabor, Executive Director
West Virginia State Board of
Registration for Professional Engineers
300 Capitol Street Suite 910
Charleston, WV 25301

Dear Ms. Rosier-Tabor:

This is to transmit a draft copy of the Regulatory Board Evaluation of the Board of Registration for Professional Engineers. This report is scheduled to be presented during the Sunday, July 29, 2007 interim meeting of the Joint Committee on Government Operations and the Joint Committee on Government Organization. This meeting is being held in the House Chamber at 1:00PM. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committees may have.

We need to schedule an exit conference to discuss any concerns you may have with the report. We would like to have the meeting on July 18, 2007. Please notify us to schedule an exact time. In addition, we need your written response by noon on July 20 in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, July 26, to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Denny Rhodes".

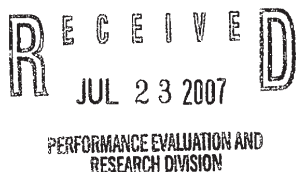
Denny Rhodes
Research Manager

Enclosure

Joint Committee on Government and Finance

Appendix B: Agency Response

EXECUTIVE SUMMARY of the West Virginia Board of Professional Engineers'



RESPONSE to the DRAFT Regulatory Board Evaluation

Submitted July 2007 by the
Performance Evaluation & Research Division
Of the Office of the Legislative Auditor

Issue 1: The West Virginia Board of Registration for Professional Engineers Is Necessary to Protect the Public Interest.

Issue 2: The Board Is in Compliance With the Provisions of Chapter 30.
The Board resolves complaints with due process, is financially self-sufficient, and has established continuing education requirements.

The Board has no objection to amending its procedural rules to eliminate the requirement that complaints be notarized but finds no evidence that the procedural requirement has deterred the filing of third-party complaints and is of the opinion that the requirement is a good one in that it emphasizes the seriousness of filing a complaint.

Issue 3: The Board is not promoting the engineering profession.
The Board promotes engineering licensure to evidence minimum competency.

Requiring that practicing engineers have proven minimum competency is reasonable and necessary given the broad industry exemption found in current West Virginia Engineering Law and is in the public interest.

The Board is not promoting the engineering profession or attempting to recruit students into engineering.

The Board is proud of its success in getting additional engineers and engineering companies licensed to practice engineering in West Virginia and strongly takes the position that promoting licensure is part of our statutory mission.

Issue 4: The Board considers its educational expenditures reasonable, but finds that others should be doing this necessary task.

The Board subsidized an educational program to assist potential applicants in preparing to take the national engineering licensure examinations only because the applicants made the need known to the Board, which tried unsuccessfully for multiple years to get two WV engineering institutions to offer a formal course in exam preparedness with and without financial assistance from the Board.

Issue 5: The Board's work is directly advanced by staff involvement in the engineering founder societies.

ASCE involvement, specifically, is of direct benefit to the Board, and the negligible expense should be deemed a proper use of licensure fees.

The Board cannot reasonably expect staff to do this vital work on their own time or at their own expense.

The Board does not consider this work to be personal travel.

The Board should be able to reimburse their professional staff for their continuing education expenses.

Issue 6: While the Board disagrees that the expenditures listed for hospitality and entertainment were related to the promotion of engineering, the Board agrees that some of the expenditures, while reasonable, may not have been necessary and will decline future requests that do not directly advance the Board's statutory mission.



West Virginia State Board of Registration
for Professional Engineers

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JUL 23 2007

PERFORMANCE EVALUATION AND
RESEARCH DIVISION

July 23, 2007

Mr. Denny Rhodes, Research Manager
Performance Evaluation and Review Division
West Virginia Legislature
Building 1, W-314
1900 Kanawha Boulevard East
Charleston, WV 25305

Dear Mr. Rhodes:

This letter comes to you on behalf of the West Virginia State Board of Registration for Professional Engineers in response to the Regulatory Board Evaluation DRAFT concerning our agency received via email the afternoon of July 20, 2007. In this letter, we often will refer to ourselves as "the Board" or the "WV PE Board."

First and foremost, we would like to take this opportunity to thank you and your staff for your time and diligence in conducting the performance evaluation of our Board. Our Board views all communications with other government agencies as an opportunity to learn and improve our operations to better serve our engineering community and the citizens of West Virginia, and working with PERD gave us valuable insight. We especially would like to thank Mr. Samuel Calvert for his professionalism during the extensive time he worked with our Executive Director and board staff. Mr. Calvert exhibited a sincere interest in learning about our licensure process, as well as making sure that the Board is compliant with all applicable state law.

After a thorough review of this Board's evaluation by the Legislative Performance Evaluation and Research Division (PERD) and the exit conference held on Thursday, July 19th, at your office, the Board has several items of concern to address and has prepared the following responses with respect to each of the outlined findings and recommendations:

Issue 1: The West Virginia Board of Registration for Professional Engineers Is Necessary to Protect the Public Interest.

The Board concurs and would like to add that licensure serves the public interest by protecting it not only from the actions of incompetent and negligent engineers, but from **non-engineers and non-licensees who attempt to practice engineering in this state.**

Issue 2: The Board Is in Compliance With the Provisions of Chapter 30.

The Board concurs and appreciates the thorough review by your Division to ensure Chapter 30 Code requirements have been met.

The Board concurs that complaints are resolved with due process.

The Board has no objection to amending its procedural rules to eliminate the requirement that complaints be notarized, but finds no evidence that the procedural requirement has deterred the filing of third-party complaints and is of the opinion that the requirement is a good one in that it emphasizes the seriousness of filing a complaint.

The Board's procedural rules in effect prior to the rules that went into effect in July of 2004 required that all complaints be in writing *and verified before a notary public* and the provision was not amended. (Note the PE Board's rule is different from the Real Estate Commission language in that it specifically requires the notarization.) PERD suggests that the notarization requirement on the complaint form deters individuals from filing a formal complaint. While the Board is willing to take the notary lines off the Complaint form, we have found no solid evidence that the notarization deters anyone from filing a formal complaint and think the requirement is a good one in that it emphasizes the seriousness of filing a Complaint.

The PERD reports states that only three of 15 states analyzed require notarization. However, a recent poll on the NCEES listserv requested feedback on whether or not notarized complaints were required. For those states not responding, Board staff attempted to obtain a copy of their complaint form from their website to determine the answer. Forty-eight (48) responses were compiled and one-third of the respondents required notarization of complaint forms (see Attachment 1).

The Board concurs that the agency is financially self-sufficient.

The Board concurs that the continuing education requirements have been established.

Issue 3: The Board Has Exceeded Its Statutory Mission Through Its Involvement with the Promotion of the Engineering Profession.

The Board disagrees that it is promoting the engineering profession. It is promoting engineering licensure, which simply assures the public the engineer meets the standards of minimum competency. This is reasonable and necessary given the broad industry exemption found in current West Virginia Engineering Law and is in the public interest.

The Board of Registration for Professional Engineers serves a unique population of professionals. Unlike those who practice medicine or law, engineers can choose whether or not to become licensed. Regrettably, due to the significant exemption in the WV Engineering Law commonly referred to as "the industry exemption" (W. Va. Code §30-13-24(c)), there is a strong need to promote licensure and the regulatory process to those about to embark on an engineering education, those currently enrolled in an engineering program, and those with an engineering

degree who are in the workforce but have yet taken the necessary examinations to become certified as an Engineer Intern or registered as a Professional Engineer. There is no other profession, be it beautician, radiological technician, or funeral director, where one can practice the learned profession without being duly licensed. Yet in the engineering field, one can be an engineer at a major chemical plant or large-scale mining operation without being licensed if they are an employee doing work at the plant or mine of his or her employer. This broad industry exemption creates a unique problem for the Engineering Board.

It is not just the WV PE Board that confronts this problem, but its national licensing association as well. There are many references in West Virginia Engineering Law to NCEES – the National Council of Examiners for Engineering and Surveying. The Legislature has acknowledged this Board’s close association with NCEES, which also realizes the importance of promoting licensure since so many practice engineering without being licensed. In fact, NCEES statistics show that the majority of those preparing to begin an engineering program, as well as those currently enrolled, are completely unaware of the fact that they will need to pursue licensure to practice in the consulting arena. Many WV and other engineering faculty are not licensed, so do nothing to promote licensure. Students have no idea where to turn to learn more about the education, examination and experience required to complete the licensure process. Law students are aware of the need to pass the Bar. Medical students know the National Boards are in their future. It is the Board’s responsibility to provide this crucial information.

Becoming licensed ensures that the engineer is knowledgeable, has met minimum competencies and will practice in accordance with the engineers’ code of professional responsibility. This benefits the public.

Based on the comments in PERD’s Executive Summary, Issues 4, 5 and 6 emanate from its misunderstanding that the WV PE Board is promoting the engineering profession. We agree with PERD’s conclusion that licensing boards are not in the business of promoting their profession, but the Board does not agree that the scope of our work is as limited as that outlined by PERD. The Board is of the opinion that to so limit our work would not protect the public, and we certainly agree with PERD that protecting the public is the primary mission of the WV PE Board.

PERD states that promoting the profession is a potential conflict of interest with the Board’s primary mission of protecting the public. Assuming for the purpose of this response that PERD would consider the promotion of licensure to similarly be a conflict of interest, the Board takes strong exception to this statement. Perhaps PERD thinks the Board might compromise the requirements of licensure in order to qualify more professional engineers. Nothing could be further from the truth. The Board does not develop, grade or administer the examinations, but relies on NCEES and its examination services to determine whether an applicant has passed the exam. Other qualifications for licensure are consistently applied by the Board, using stringent criteria that assure no candidate is accepted for licensure who does not qualify.

Based on figures for the last five years, the Board and staff have made great strides in increasing the number of licensees and companies holding Certificates of Authorization to legally practice engineering in our state (see Attachment #2). The WV PE Board has seen an astonishing fifty-

seven percent (57%) increase during the last five years in the number of examinees sitting for the FE exam as they enter their senior year of college (see Attachment #3). This is in large part due to the Board and staff initiatives to get out and promote engineering licensure and registration. Because these individuals are now licensed, they must comply with the code of professional responsibility required under our statute, and potential employers and the public can more readily discern their qualifications.

Again, the Board is not promoting the engineering profession or attempting to recruit students into engineering, but rather is promoting licensure. Backed by the solid statistics presented herein, the Board is proud of its success in getting additional engineers and engineering companies licensed to practice engineering in West Virginia and strongly takes the position that promoting licensure is part of our statutory mission. Given that PERD recognizes the importance of licensure, the PE Board requests that PERD also recognize the need to promote licensure in order to meet the acknowledged statutory goal: the practice of engineering by licensed professional engineers.

Issue 4: The Board of Registration for Professional Engineers Does Not Possess the Authority to Offer Educational Programs to Assist Potential Applicants in Preparing to Take the Board's Engineering Examination.

The Board considers its educational expenditures reasonable, but finds that others should be doing this necessary task. The Board subsidized an educational program to assist potential applicants in preparing to take the national engineering examinations only because the applicants made the need known to the Board, which tried unsuccessfully for multiple years to get two WV engineering institutions to offer a formal course in exam preparedness with or without financial assistance from the Board. The Board defers to the Legislature with regard to whether it should have done so but offers the following comments regarding the dire need for such expenditures.

As evidenced in the Board Meeting Minutes for the last several years, the WV State Board of Registration for Professional Engineers has been deeply concerned with the abysmally low passage rates of applicants sitting for both the FE exam and the PE exam in our state. On multiple occasions, this troubling situation has been discussed at length with our engineering educators and the Deans of the WV engineering schools. As evidence of the significant problem WV is experiencing, we offer the following alarming statistic for your consideration: *WV is among the lowest tier of the passage rates in all of the jurisdictions where NCEES offers the FE and PE exams, which includes all 50 states in the country, Washington DC and the US territories of Guam, Puerto Rico, US Virgin Islands and the Northern Mariana Islands.* Most member boards falling in this poor passage rate category are thought to be there due to the obvious language barrier. This does not provide an explanation for West Virginia's disturbingly low passage rates.

Another concern that is continually brought to the Board's attention is the lack of any exam preparation courses offered in the state. This certainly puts our WV engineering students, graduates and practicing engineers at a disadvantage, and the WV Board had repeated

discussions with the engineering schools to offer formal review classes. These classes are also needed by those who have repeatedly taken but not passed the test. West Virginia Code §30-13-15(c) allows the Board to require an examinee to “appear before the board to present evidence of having pursued further instruction in deficit areas.” However, no entity in West Virginia offered such instruction, and the Board, out of necessity, stepped in.

As described in detail on our response of October 26, 2006, on multiple occasions the Board sought assistance from the WV engineering schools to no avail. Still, the Board felt compelled to provide assistance to any legitimate group or state vendor who could present a reasonable and solid plan for offering a PE review course in WV. After repeated attempts over two years to work with the WV engineering schools, the WV PE Board turned to the founder societies for assistance. As stated in the report, \$9,000 was provided to the ASCE Younger Member Forum for this purpose. The expenditure was undertaken after consulting with Counsel from the Attorney General’s Office and with the Purchasing Office regarding the documentation needed to properly process these expenditures. PERD notes that it was offered with good intentions.

While there may be no express provision in W. Va. Code §30-13-1 *et seq.* to offer educational programs to assist potential applicants in preparing to take the engineering examinations, the ability to pass the exam so directly advances the statutory mission of the Board that authority for such expenditure may be implied. That statutory authority may be implied in such a circumstance was acknowledged by Counsel for Legislative Services in an inter-office Memo done for this evaluation (see Inter-Office Memo of December 11, 2006, quoting from a July 2, 1993 opinion of the Attorney General). Given the real need for the expenditure, we strongly urge the Legislature to find this implied authority in current WV Engineering Law. Otherwise, this Board’s roster of licensees will continue to be comprised of primarily out-of-state practitioners.

To summarize, the Board finds the subsidy for an educational program to have been a reasonable and necessary expense. In order to register qualified individuals to become professional engineers, these individuals must be able to pass the examinations, and West Virginia’s engineering students are obviously having difficulty passing the exam. This reflects poorly on the State, and the Board is in a position to help. It is a small but important expense, and no registrant has objected to the endeavor to this Board’s knowledge. Given that PERD recognizes the importance of licensure, the PE Board requests that PERD also recognize that helping to ensure that applicants qualify for licensure is a legitimate expense toward meeting the acknowledged statutory goal: the practice of engineering by licensed professional engineers. However, the Board sincerely hopes that such expenditures in the future are unnecessary due to others stepping up to provide this important service.

Issue 5: The Board Is Inappropriately Reimbursing the Executive Director for Travel to Other Organizations That Is Primarily a Personal Endeavor

The Board disagrees with the recommendation to cease reimbursing expenses for founder society travel and requiring staff to take annual leave for workdays when attending such meetings. The Board's work is directly advanced by involvement in the engineering founder societies, and we cannot reasonably expect staff to be involved on their own time or at their own expense.

The decision to create the position of Executive Director and include a PE license as a qualification for the job was made several years back for several reasons, one of which was to advance the public awareness of our agency and to actively promote the licensure process and regulation of the profession. The Executive Director was selected for this position due to her educational background, her prior work experience, her engineering and managerial talents, and, important to the Board, her high level of activity with the various founder societies, in particular ASCE. During the interview process and subsequent to her hiring, the Executive Director has been encouraged to continue her local, state and national leadership roles in ASCE to further the advancement of licensure and the regulation of the profession while promoting public awareness about critical issues relative to the practice of engineering.

The Board fully supports her activities; in fact, they are undertaken at the Board's request and are part of her job. The Board strongly considers her activities to directly advance the statutory mission of the Board. This was the standard for implied authority set forth in the inter-office memo prepared by the counsel for Legislative Services referenced above (see Inter-Office Memo of December 11, 2006, quoting from a July 2, 1993 opinion of the Attorney General). The quoted opinion of the Attorney General even states that "*it does not matter whether or not the employee will incidentally benefit from the education, if it will enable him to better perform the responsibilities of the public employment.*" Without question, the Executive Director's ASCE activities are directly relevant to the work of this Board and enable her to better perform the duties of Executive Director. As with the promotion of licensure, the Board considers this a reasonable and necessary expense in fulfilling its statutory mandate.

PERD's Draft sets forth ASCE's mission, but says nothing about NCEES' reliance on the work of ASCE and the other founder societies in establishing the requirements of licensure. It is a symbiotic relationship. There are numerous cooperative interconnections among NCEES, the state licensing boards and the founder societies. PERD's finding that such travel does not directly relate to the Board's statutory mission is simply wrong. It is not personal travel and should not be viewed as such. The fact that the Executive Director is appointed to hold a leadership position in one of these founder societies does not make it a personal involvement. It simply evidences that the Executive Director is highly regarded for her work in that forum, just as she is in NCEES and the many other forums where she represents this Board.

The nature of the Executive Director's activities has been outlined in detail in previous responses. Her ASCE activity not only directly enhances her leadership and managerial skills, but clearly has had a significant impact on various licensure issues. Many activities are unquestionably within the Board's statutory authority, such as continuing education and matters that relate to the

engineers' code of professional responsibility, as well as exam application processing. Among the ASCE National Committee appointments for which the Executive Director served or serves on behalf of the Board are the National Committee on Professional Practice, Licensure and Ethics and the National Committee on Educational Activities. Attachment #4 provides detailed information regarding the goals and objectives of these two committees. Upon close inspection of the committees' charges, goals and objectives, it is apparent that the vast majority of their work is directly related to the Board's mission and to the regulatory process. In fact, the work of these committees has a direct impact on the academic prerequisites for licensure and professional practice, including proposed changes to the current NCEES Model Law and the ABET engineering education accreditation process, both of which are utilized by all the state licensing boards.

The most recent impact was evidenced at the 2006 annual meeting of NCEES where a compelling and successful appeal was made to the licensing board delegates to vote to modify the NCEES Model Law requirements for licensure. The change, developed and strongly endorsed by ASCE, calls on states to raise their educational requirements so that engineer interns would need 30 additional credits of upper-level undergraduate or graduate-level coursework to be admitted to the PE exam. This monumental change is evidence that ASCE has a strong liaison with NCEES and the work of all regulatory boards in the country. This tie becomes even more apparent when considering amendments to West Virginia Engineering Law (both the statute and rules). The Board, its staff and counsel all look to the NCEES Model Law and Rules for guidance, which are heavily influenced by the positions taken by the founder societies.

PERD is most disturbed by the ASCE activities for civil engineers, but Board involvement is not limited to ASCE. This Board is involved in the work of the founding societies for the other major disciplines, including chemical, mechanical and electrical. The importance of having Board representation in the founder society arena is crucial, and there is great value in having a voice. The licensing boards provide first-hand knowledge when these groups are setting the minimum standards of engineering education in this nation. We work together to address certification and licensure issues both locally and nationally, set standards and provide for continuing professional competency in engineering, and locate individuals to serve on national panels to establish examination criteria. However, the founding society for civil engineering is particularly important since civil engineers constitute the majority of PE examinees and professional engineers licensed in our state, as well as nationally (see Attachment #5).

Our Board is confident that its Executive Director's leadership roles at various local and state levels, in addition to her national committee work, have enhanced the work of the Board, raised the awareness of the importance of engineering registration, and contributed to the overall success of this Board in registering engineers and companies in this State. Again, the Board considers this to be an extremely important part of its mission. It is a common practice in the private sector for firm's to support the professional activities of its employees, and there must be many examples in the public sector as well. It seems wrong to require the Executive Director to participate at her own expense on her own time when the Board derives such benefit from it. There may not be many licensing boards whose staff is licensed in that profession, so involvement in the professional society is not an issue. However, PERD's own counsel acknowledges this can further an agency's mission. Here, the professional engineering

associations address issues closely aligned with the work of the Board, and allowing involvement to be a part of the job of our engineers on staff is justifiable and should be authorized

Another point to emphasize: our Executive Director's participation in ASCE is of negligible expense to the Board, given that most of the expenses are paid by ASCE. While an improper expenditure is improper regardless of the amount, the Board has reviewed PERD's report and cannot agree that the Executive Director's service to ASCE is only remotely related to her work for the Board or that the Board only benefits indirectly. This is something for which the Board should be allowed to make the call. For less than one half of one percent of our annual budget, we derive significant benefit. It would be most unfortunate for her participation to decrease, perhaps even cease, if the Legislature disallows this as one of her job duties. The Legislature gave the Board the power to determine what was reasonable and necessary and the authority to do this can certainly be implied. To disallow this important source of information seems unreasonable and unnecessary since the involvement so directly advances the Board's statutory mission.

While not clear what PERD is inferring, the Board takes strong exception to the following statement: "The ASCE partial reimbursement of travel costs can be taken as a form of payment for the Executive Director's service as a committee chairperson." One minor correction: the Executive Director is not the chair of the Fund Raising Committee, although she does serve as co-chair of the Continuing Education Committee. However, all national committee members receive this travel reimbursement, including the fictional "self-employed engineer" in the report who could claim any non-reimbursed costs as a business expense.

The Board also disagrees with PERD's comments regarding the substance of the meetings. PERD states: "The training she receives from attending ASCE meetings are intended to primarily enhance her engineering skills, not her management skills for operating a licensing board." Her ASCE work discussed above does nothing to enhance skills in her discipline: transportation and traffic engineering.

Looking to PERD's Tables 3 and 4, it should first be said that PERD never once requested additional information, even though they quote their own counsel as stating he had "insufficient information to offer an opinion on whether all of the Executive Director's reimbursement involved activities which directly advance the Board's statutory mission." Legislative Services' Legal Counsel states that the relationship of some of the activities "is not apparent" from the descriptions provided or there is no "obvious connection" but the Board was not given the opportunity to provide additional information despite the fact the counsel's opinion was given to PERD in December of 2006.

Several errors can be found in the PERD's Table 3, the Executive Director's ASCE Travel. Two of the five trips to Montgomery have no relationship to ASCE nor does the travel reimbursement request reference any such relationship; staff has no record of the November 28, 2004, trip. Of the remaining trips, one was to a National ASCE Conference to serve as a state licensing board authority where she presented a session on the specifics of the FE and PE exam in cooperation and coordination with NCEES. Many of the recorded travels are not for specific ASCE meetings, but rather for ASCE sponsored functions such as FE exam application preparatory sessions or

Fall Technical Conferences. In these instances, ASCE organized these functions, but many engineering disciplines were invited.

Staff received required continuing education at some of these functions, but the Executive Director's was questioned because "ASCE" appeared on the description of travel. All but one of the recorded activities in Table 3 are acceptable forms of required professional development for our engineers on staff. Many state agencies, such as Department of Highways (DOH) and the Department of Environmental Protection (DEP), pay for their professional engineers to attend these and similar events. Can licensing boards not do the same for their staff who are required to maintain professional credentials as a condition of employment? It is clearly a common practice in the private sector and other government agencies even when such education is not required continuing education. Asked another way, can the Board not pay the reasonable and necessary expenses of its employees staying qualified for the job?

Issue 6: The Board Is Reimbursing Staff for Expenses That Do Not Advance the Board's Statutory Mission.

The Board respectfully disagrees that the expenditures listed for hospitality and entertainment related to the promotion of engineering, but agree that some of the expenditures, while reasonable, may not have been necessary and will decline future requests that do not directly advance the Board's statutory mission.

Without getting too detailed, the Board can explain all the expenditures listed in Issue 6, although the descriptions set forth, taken from employee expense reimbursement forms, are admittedly more vague than needed by PERD in conducting this review. We agree with the comments of Counsel for PERD, in his Memo of December 11, 2006, that how certain activities related to the Board's statutory mission were not apparent or did not show an obvious connection to that mission. We regret we were not asked to provide additional information with regard to these expenditures. However, as a result of this audit, the Board has a new awareness regarding what activities are important. Rest assured the Board will give more scrutiny to these types of activities and will only approve those directly related to the Board's mission. For those expenditures, given the limited space on the required state reimbursement documentation reporting forms, staff will be directed to provide more detail, including attachments if necessary.

To reiterate, our involvement was not intended to promote engineering or recruit engineering students. For example, the National Youth Science expenditures for college-bound engineering students, while understandably questioned, seemed reasonable. The Board was requested to host these nationally ranked students, and we were pleased to accommodate the request. We picked them up from the airport, conducted a two-hour presentation on licensure and ethics, and toured the Engineering Board Headquarters. These students from across the nation and from other countries asked many questions about licensure, accredited programs, handling of foreign degrees, and other relevant topics. We then took them to the Clay Center Science Gallery and to dinner. The event often got publicity and was good public relations for the State of West Virginia. However, while it might have been a good and reasonable thing to do, we now understand it was not a necessary expense.

CONCLUSION

Thank you for the opportunity to provide this response to PERD's draft evaluation. While we disagree with some of PERD's findings regarding our public awareness and educational activities directed at the promotion of engineering licensure and regulation of the profession, we appreciate PERD's acknowledgement of some of the good work we do. We are confident that the West Virginia State Board of Registration for Professional Engineers will continue to strive for excellence and provide the best service possible to our engineering community and the citizens of this state.

The WV PE Board looks forward to the opportunity to meet with the Joint Committee on Government Operations and the Joint Committee on Government Organization on Sunday, July 29, 2007. We hope that all our Board members can be present, in addition to the Executive Director and Board Counsel from the Attorney General's Office, to address the Committees and answer any questions the members may have following your presentation of the PERD report.

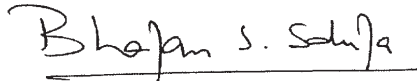
Respectfully Submitted,



Leonard J. Timms, Jr., P.E.
Board President



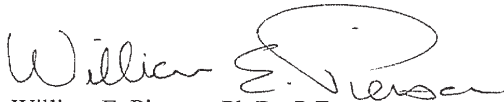
Edward L. Robinson, P.E., P.S.
Board Vice-President



Bhajan S. Saluja, P.E.
Board Secretary



Richard E. Plymale, Jr., P.E., P.S.
Board Member



William E. Pierson, Ph.D., P.E.
Board Member

Attachment #1

Board Notary and Inquiry/Complaint Survey							
State	Respondent (Name - Title)	Question #1 Does your Board require a formal complaint to be notarized?	Question #2 Do you accept and investigate informal complaints, inquiries, anonymous calls or emails?	State	Respondent (Name - Title)	Question #1 Does your Board require a formal complaint to be notarized?	Question #2 Do you accept and investigate informal complaints, inquiries, anonymous calls or emails?
AL	Regina Dinger Executive Director	No	No	MT	Brooke T. Jasmin Board Administrator	No	Yes
AK	Ginger Morton	No	Yes	NEPE	Web Site	Yes	Yes
AZ	Web Site	No	Yes	NELS	Kathy Martin Administrative Assistant	Yes	Yes
AR	Web Site	Yes	No	NV	NO RESPONSE		
CA	Cindi Christenson	No	Yes	NHPE	Louise Lavertu Executive Director	No	Yes
CO	Charlie Adams Program Director	No	Yes	NHLS	NO RESPONSE		
DEPE	Peggy Abshagen	No	No	NJ	Web Site	No	Yes
DELS	Margaret Foreit	No	No	NM	Elena Garcia Executive Director	Yes	Yes
DC	NO RESPONSE			NY	Jane W. Blair Executive Secretary	No	Yes
FLPE	Carrie Flynn Interim Executive Director	No	Yes	NC	Web Site	Yes	No
FLLS	NO RESPONSE			ND	Web Site	Yes	Yes
GA	J. Darren Mickler Executive Director	Yes	Yes, Case by case	NMI	NO RESPONSE		
GU	Amor Pakingan	Yes	No	OH	Web Site	No	Yes
HI	NO RESPONSE			OK	Kathy Hart Executive Director	No	Yes
ID	David L. Curtis Executive Director	Yes	No	OR	NO RESPONSE		
*ILPE	M. David Brim Design Licensing Manager	No	Yes	PA	Web Site	No	
*ILLS	NO RESPONSE			RIPE	NO RESPONSE		
ILSE	NO RESPONSE			RILS	Christina Styron	No	Yes
INPE	Web Site	Yes	Yes	SC	Jan Simpson Administrator	No	No
INLS	Web Site	Yes	Yes	SD	Ann Whipple Executive Director	Yes	Yes
IA	Web Site	No		TNPE	John A. Cothron Executive Director	No	Yes
KS	Web Site	No		TNLS	NO RESPONSE		
KY	David Cox Executive Director	No	Yes	TXPE	Lance Kinney Deputy Executive Director	No	Yes
LA	Web Site	Yes		TXLS	NO RESPONSE		
MELS	Kimberly J. Baker-Stetson Administrative Support			UT	NO RESPONSE		
MEPE	Beatrice Labbe Supervisor of Licensing	No	No	VTPE	Loris Rollins	No	Yes
MDPE	Pam Edwards Asst. Executive Director	No	No	VTLS	NO RESPONSE		
MDLS	NO RESPONSE			VA	Web Site	No	
*MA	NO RESPONSE			VI	NO RESPONSE		
MIPE	Gloria J. Keene Licensing Administrator	No	Yes	WA	George Twiss Executive Director	Yes	Yes
MILS	NO RESPONSE			WVPE	Lesley Rosier-Tabor Executive Director	Yes	Yes
MN	Doreen Johnson Frost Executive Director	No	No	WVLS	Marilee Bright	No	Yes
MS	Rosemary Bristor Executive Director	No	No	WI	NO RESPONSE		
MO	Web Site	No		WY	Web Site	Yes	No
						No = 32 Yes = 16	No = 14 Yes = 29

Attachment #2

6 Year Summary of Increases in WV PE Registrants, Retired PEs and Company COAs

July 1, 2001 – June 30, 2002

Individuals

Professional Engineers = 5583
Retired Engineers = 181

Companies

Certificates of Authorizations Granted to Companies = 643

July 1, 2002 – June 30, 2003

Individuals

Professional Engineers = 5614
Retired Engineers = 251

Companies

Certificates of Authorizations Granted to Companies = 1431

July 1, 2003 – June 30, 2004

Individuals

Professional Engineers = 5892
Retired Engineers = 280

Companies

Certificates of Authorizations Granted to Companies = 1567

July 1, 2004 – June 30, 2005

Individuals

Professional Engineers = 5935
Retired Engineers = 247

Companies

Certificates of Authorizations Granted to Companies = 1617

July 1, 2005 – June 30, 2006

Individuals

Professional Engineers = 6148
Retired Professional Engineers = 241

Companies

Certificates of Authorizations Granted to Companies = 2008

July 1, 2006 – June 30, 2007 *(number will vary from final annual report submission due to renewal grace period)*

Individuals

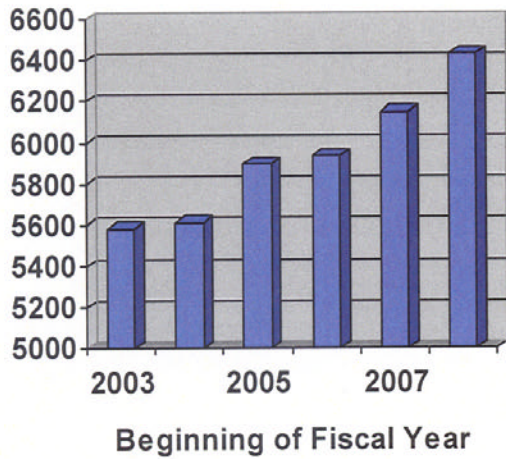
Professional Engineers = 6430
Retired Professional Engineers = 272

Companies

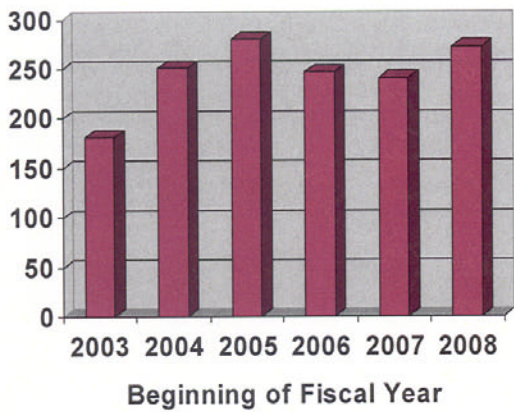
Certificates of Authorizations Granted to Companies = 2174



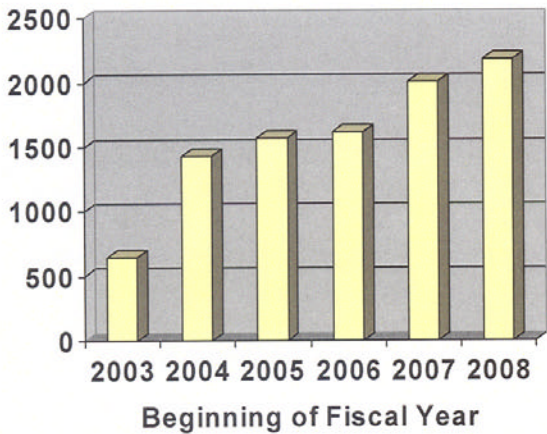
6 Year Summary of Increases in WV PE Registrants, Retired PEs and Company COAs



Professional Engineers



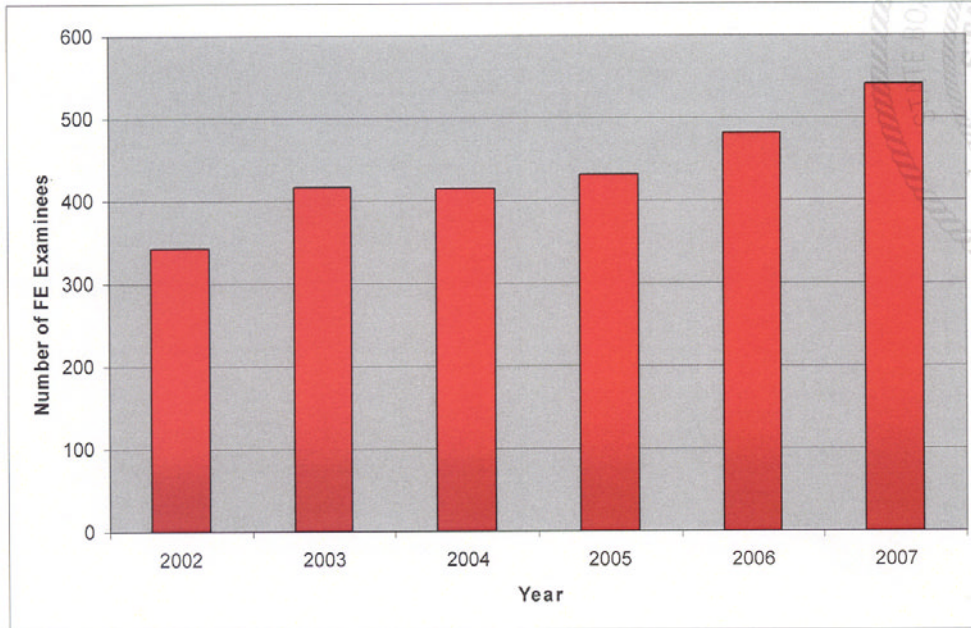
Retired Engineers



Company Certificates of Authorization

Attachment #3

6 Year Summary of Increases in WV FE Examinees



57% Increase

Attachment #4

Explanation of ASCE Committee Activities, Goals/Objectives, Products/Deliverables

The Committee on Professional Practice for Licensure and Ethics is responsible for developing and recommending programs, policies, and procedures to promote the registration and licensure of engineers, and in particular civil engineers. It will monitor and make recommendations regarding trends and developments in matters pertaining to the registration and licensure of engineers and keep the Committee on Professional Practice and the Society informed. Primary consideration will be placed upon protecting the health, safety, and welfare of the public and upon means of effectively providing assistance to State Boards of Engineering Registration and other appropriate regulatory and coordinating agencies. The Committee will include the Society's liaison with the National Council of Examiners for Engineering and Surveying (NCEES) and will keep ASCE apprised of developing trends in education, experience, and examination requirements as they affect the practice of civil engineering, and propose and communicate ASCE positions and means of implementing them. The Committee will oversee the preparation of the civil engineering portion of the Fundamentals and the Principles and Practices licensure exam programs so as to include the experience of the practicing engineer. The Committee will also monitor and nurture the exam writing process. The Committee will provide liaison to other external organizations involved in the area of professional registration when requested by the Committee on Professional Practice. It will also study the issue of the international practice of civil engineering as it relates to professional registration and provide guidance to the Society as deemed appropriate. Specific responsibilities include:

Solicit item writers, review their credentials, select and fund writers to assist in the preparation of the NCEES Civil Engineering Principle and Practices Exam and item writers attend the applicable portions of the NCEES item writing sessions held each year to assist in problem writing.

Meet and provide input to the NCEES POLC annual meeting. The Committee liasons attends the NCEES meetings and prepares a written report to COL&E. The ASCE NCEES POLC representative is a corresponding member on the COL&E.

Provide timeline for dissemination of instructions and PowerPoint presentation on the importance of licensure and ethics. ASCE staff will mail to Student Chapter Presidents, Faculty Advisors, Practitioner Advisors, Section and Branch Presidents, and Younger Member Forums annually. This information should also be shared with interested state licensing boards.

Keep the Society and its constituent founder societies and stakeholders informed of licensure and ethics related activities.

Write and submit articles on licensure and ethics related topics to ASCE News, Student E-News, Younger Member Newsletter, Section Informant, and Institute Newsletters.

Submit a licensure session presenting the proposed NCEES Model Law changes and the impact that those changes will have on the ASCE members. Another option is the "Incident at Moralis" Ethics Video presentation.

Suggest that the Task Committee on Specialty Certification maintain at least one member that is also on COL&E to foster cross-pollination between the two closely related committees.

Suggest that CAP³ maintain at least one member that is also on COL&E to foster cross-pollination between the two closely related committees. This item is critical due to the nature of the academic prerequisites and educational criteria changes being proposed for future engineering interns and PEs.

Attachment #4 (continued)

Explanation of ASCE Committee Activities, Goals/Objectives, Products/Deliverables

The Committee on Educational Activities is an oversight committee that has several areas of responsibility that include all matters internal and external to the Society that affect engineering education, from primary grades through the formal education and licensure process. The Committee oversees and institutes policies, programs, and procedures to enhance engineering education, civil as well as other disciplines, including ABET accreditation of engineering and engineering technology programs; guidance for primary, secondary and college students; engineering student and faculty focused programs; and interaction between educators and practitioners.

The particular Sub-Committees and other Organizational representatives comprising and reporting to the Educational Activities include, but are not limited to the following:

Committee on Academic Prerequisites for Licensure and Professional Practice – Responsible for development of policies outlining the preparation required for entry into tomorrow's practice of engineering at the professional level. The most recent advancement of the committee's work was introducing a monumental change voted favorably on by state licensing Board's throughout the country at the 2006 NCEES Annual Meeting. By 2015, NCEES Model Law will require additional engineering education (30+ credit hours) beyond the traditional 4-year bachelor's degree before being qualified for licensure.

Committee on Curricula and Accreditation – Responsible for developing, updating, and implementing policies and procedures on the establishment and evaluation of undergraduate and graduate curricula in civil, architectural and construction engineering programs. Representatives actively participate in the ABET Accreditation engineering program evaluations.

Committee on Technology Curricula and Accreditation - Responsible for developing, updating, and implementing policies and procedures on the establishment and evaluation of undergraduate and graduate curricula in engineering technology programs in civil, architectural and construction engineering technology programs. Representatives actively participate in the ABET Accreditation engineering program evaluations.

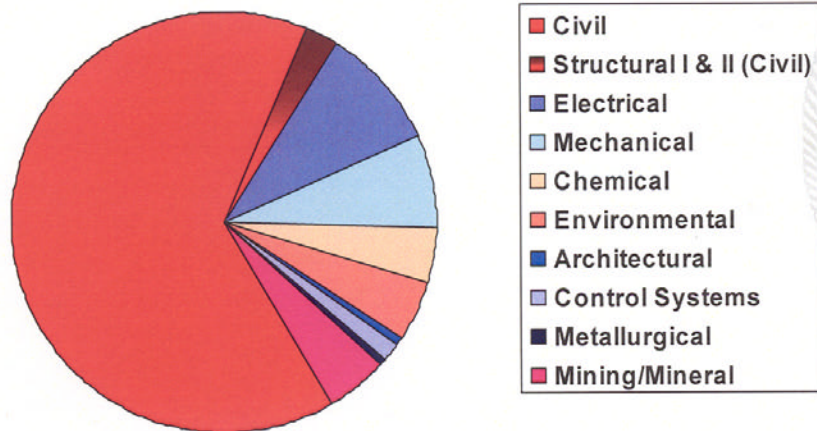
Committee on Faculty Development – Responsible for identifying, developing and promoting programs for the development of engineering and technology faculty as effective teachers. Also review development needs of adjunct faculty who are practicing professional engineers who often return to the classroom to offer a different perspective on the engineering educational experience.

Committee on Student Activities - Responsible for developing, recommending and implementing policies and programs that promote professional, ethical, and technical excellence in civil engineering and engineering technology students. One small example relevant to this report includes promotion of ethics, the FE exam and other licensure issues. Encourage students and civil engineering departments to participate in activities and programs that complement and enhance the formal education process.

Committee on Global Principals for Professional Conduct – Responsible for working with the engineering, construction, financial and policymaking organizations within the United States and internationally to promote universal principles that uphold and enhance the honor, integrity, dignity of this engineering profession.

Attachment #5

2006-2007 State Average for Examinees by Specific Discipline



National Average for Examinees by Specific Discipline

