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REGULATORY BOARD REVIEW

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS

AUDIT OVERVIEW

The West Virginia Board of Registration for Professional Engineers
Is Needed to Protect the Public

The Board of Registration for Professional Engineers Complies with
All General Provisions of Chapter 30 of the West Virginia Code

The Board's Website Is Both User-Friendly and Transparent and
Needs Little to No Improvements



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October 6, 2024

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The Honorable Chris Phillips
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Dear Chairs:

Pursuant to the West Virginia Performance Review Act, we are transmitting a Regulatory Board Review of the *West Virginia Board of Registration for Professional Engineers*. The issues covered herein are:

1. The West Virginia Board of Registration for Professional Engineers Is Needed to Protect the Public;
2. The Board of Registration for Professional Engineers Complies with All General Provisions of Chapter 30 of the West Virginia Code; and
3. The Board's Website Is Both User-Friendly and Transparent and Needs Little to No Improvements.

We transmitted a draft copy of the report to the Board on September 12, 2024. We did not hold an exit conference. We received the agency's response on September 24, 2024. If you have any inquiries on this report, please let me know.

Sincerely,

John Sylvia

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EXECUTIVE SUMMARY

The Performance Evaluation and Research Division (PERD) conducted this Regulatory Board Review of the West Virginia Board of Registration for Professional Engineers (Board) pursuant to *West Virginia Code* §4-10-9. The objectives of this review were to 1) determine if there is a continued need for the Board, 2) to determine if the Board is complying with the general policies and provisions of Chapter 30, Article 1 of the West Virginia Code, and 3) to determine if the Board's website is user-friendly and transparent.

Frequently Used Acronyms in the Report:

COA – Certificate of Authorization

PE – Professional Engineer

PERD – Performance Evaluation and Research Division

Report Highlights:

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

- Nearly 20,000 engineers and engineering firms are registered by the Board.
- The registration of engineers and engineering firms is necessary because incompetent engineering can result in loss of life and monetary damages.

Issue 2: The Board of Registration for Professional Engineers Complies with All General Provisions of Chapter 30 of the West Virginia Code

- The Board is financially self-sufficient and has established CPE requirements.
- The risk of fraud is at an acceptable level, but the Board should consider collecting more revenues online to further decrease the risk of fraud.
- The Board resolves complaints within mandated time frames and provides six-month status reports for complaints.
- The Board currently requires complaints from the public to be notarized. The Board should consider removing this requirement because it may discourage the public from filing complaints.

Issue 3: The Board's Website Is Both User-Friendly and Transparent and Needs Little to No Improvements

- The Board's website scores well in both user-friendliness and transparency.
- The Board's website could benefit from additional user-friendly features.
- The Board's website could benefit from additional transparency features.

PERD's Response to the Board's Written Response:

The Board provided its response on September 24, 2024 (see Appendix C). The Board did not dispute any findings in the report and the Executive Director stated that the recommendations will be presented to the Board at their next scheduled meeting on November 20, 2024. However, the Board did indicate that it had already made some of the suggested website updates as recommended.

Recommendations:

1. *PERD recommends that the Legislature continue the Board of Registration for Professional Engineers as currently regulated.*
2. *The Board should consider discontinuing the requirement that complaints be verified by a notary public.*
3. *The Board should upgrade its website to allow other types of fees be collected electronically.*
4. *The Board should consider adding more user-friendliness and transparency elements to its website as mentioned in this review.*
5. *The Board should consider lowering the website's reading level to the recommended 7th grade reading level.*

ISSUE 1

The West Virginia Board of Registration for Professional Engineers Is Needed to Protect the Public

Issue Summary

This is a Regulatory Board Review of the Board of Registration for Professional Engineers (Board) required by *West Virginia Code* §4-10-9. The law requires the review to ascertain if there is a need for the continuation, consolidation, or termination of the Board. The law also allows for determining if conditions have changed that would warrant an increase or decrease in regulation of professional engineers and engineering firms. The Performance Evaluation and Research Division (PERD) determines that improperly designed buildings and structures could result in loss of life and have substantial financial implications. Therefore, PERD finds that it is in the interest of public safety that the Board and the current regulatory structure be continued.

Nearly 20,000 Engineers and Engineering Firms Are Registered By the Board

The West Virginia Board of Registration for Professional Engineers was established by the Legislature in 1921. The Board is responsible for protecting the health, safety, and welfare of the citizens of West Virginia by upholding and enforcing the laws, rules, and board policies and procedures that regulate the profession of engineering. *West Virginia Code* §30-13-3(e) defines the scope of engineering as any service or work that requires engineering education, training, and experience in the application of special knowledge of mathematical, physical, and engineering sciences. Such services and work include consultation, investigation, evaluation, planning, and designing in the use of land and water, teaching advanced engineering subjects, conducting engineering surveys and studies, and reviewing the construction of structures to assure compliance with drawings and specifications.

The Board offers four types of registration: 1) Certificates of Registration, 2) Professional Engineer-Retired, 3) Certificates of Authorization, and 4) Certifications of Engineer Intern. Table 1 below shows the number of registrations within each of the four categories for fiscal years 2020 through 2023. Certificates of Registration carry the designation of “professional engineer.” These individuals have passed the required examinations on The Fundamentals of Engineering, and The Principles and Practice as offered by the National Council of Examiners for Engineering and Surveying; and have four years or more of progressive experience in engineering work. Individuals with a Certification of

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Engineering Intern have passed The Fundamentals of Engineering examination, but they have not gained the four years of experience and have not passed The Principles and Practice exam. Certificates of Authorization are designated for individuals (sole proprietors) and firms that are authorized to practice engineering in the state. The Board is also authorized to register inactive engineers with the designation of Professional Engineer-Retired upon certification that they are no longer practicing engineering for remuneration.

Table 1
Board of Registration for Professional Engineers
Number of Registrations
FY 2020 through FY 2023

Registration Categories	2020	2021	2022	2023
Certificates of Registration*	9,337	9,149	9,741	9,650
Professional Engineer-Retired	254	247	245	260
Certificates of Authorization**	3,290	3,458	3,418	3,551
Certifications of Engineer Intern	5,092	5,150	5,515	5,567
Totals	17,973	18,004	18,919	19,028

*The Certificate of Registration carries the designation of "professional engineer."

**The Certificate of Authorization authorizes businesses to practice engineering in the state.

Source: The Board of Registration for Professional Engineers.

Incompetent Engineering Can Lead to Loss of Life and Significant Monetary Damages

Part of PERD's regulatory review process includes requesting that boards explain why they are needed. In response to this review, the Board responded with the following statement:

The regulation of engineers 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. The public is assured that licensed engineers have met state-approved education, experience, and examination standards established by the Board. Engineers make professional judgments, which have major financial, health, safety, and other significant consequences daily. The highways, bridges, dams, waterways, buildings, and electrical and mechanical systems in buildings are all products of

The regulation of engineers protects the public from incompetent, negligent, and unscrupulous individuals who would offer such services without having met any qualifications.

engineering. Consequences of poorly designed bridges or buildings include deaths and injuries as well as financial hardship to the property owner ultimately responsible for damages and reconstruction.

The Board also cited several examples of structural failures that were attributed to poor engineering designs, which led to loss of life and substantial monetary damages. Recent examples include the 2018 collapse of a pedestrian bridge that was designed to connect the campus of Florida International University in Miami, Florida, to the city of Sweetwater. The collapse occurred just days after its completion, and it resulted in six fatalities. Engineers and contractors involved in the project overlooked warning signs of structural instability and failed to implement necessary precautions during construction. Another instance of structural failure occurred in 2021, when the Champlain Towers South Condominium in Surfside, Florida collapsed. Ninety-eight (98) people died as a result of the collapse. Investigations highlighted concerns about structural integrity and maintenance practices of the structure.

Consequences of poorly designed bridges or buildings include deaths and injuries as well as financial hardship to the property owner ultimately responsible for damages and reconstruction.

Conclusion

It is PERD's opinion that the regulation of professional engineers by the Board of Registration for Professional Engineers should be continued. A primary responsibility of the Board's regulatory function is to ensure that those who desire to practice the profession of engineering are properly educated in the sciences associated with engineering and have an adequate level of experience. The consequences of incompetent or inexperienced engineers can result in the loss of life and significant financial damages.

It is PERD's opinion that the regulation of professional engineers by the Board of Registration for Professional Engineers should be continued.

Recommendation

1. *PERD recommends that the Legislature continue the Board of Registration for Professional Engineers as currently regulated.*

ISSUE 2

The Board of Registration for Professional Engineers Complies with All General Provisions of Chapter 30 of the West Virginia Code

Issue Summary

PERD finds that the Board complies with all the general provisions of Chapter 30 of the *West Virginia Code*. The Board is financially self-sufficient, it resolves complaints timely, with due process, and provides status reports of complaints within the statutory time frames. The risk of fraud is relatively low because it has enough staff for appropriate segregation of duties, over 80 percent of its revenue is received electronically, and over 90 percent of expenditures are required or expected.

The Board Complies with All General Provisions of Chapter 30

Chapter 30, Article 1, of *West Virginia Code* lists provisions for the effective operation of regulatory boards. The Board is compliant with the following provisions of Chapter 30:

- Each Board member has attended at least one annual orientation session conducted by the State Auditor during each term of office to inform the Board of the duties and requirements imposed by state law and rules including powers and duties of the Board and members, rule-making procedures, disciplinary actions available to boards, and records management procedures (§30-1-2a(c)(3)).
- The Board meets at least once annually (§30-1-5(a)).
- The Board has adopted an official seal (§30-1-4).
- All complaints have six-month status reports sent out within the statutory timeframe (§30-1-5(c)).
- The Board provided public access on a website to all completed disciplinary actions in which discipline was ordered (§30-1-5(d)).
- The Board is financially self-sufficient in carrying out its responsibilities (§30-1-6(c)).
- The Board has established continuing education requirements (§30-1-7(a)).
- The Board's complaints are investigated and resolved with due process (§30-1-8).
- The Board has promulgated rules specifying the investigation and resolution procedure for all complaints (§30-1-8(k)).

PERD finds that the Board complies with all the general provisions of Chapter 30 of the West Virginia Code.

- The Board has submitted an annual report to the governor and the Legislature describing transactions for the preceding two years (§30-1-12(b)).
- The Board has complied with public access requirements as specified by §30-1-12(e).
- The Board has a register of all applicants with appropriate information specified in code, such as the date of the application, name, age, education, and other qualifications, place of residence, examination required, whether the license was granted or denied, and suspensions, etc. (§30-1-12(a)).
- A roster has been prepared and maintained of all licensees that includes names and office addresses (§30-1-12(a)).
- The roster of all licensees has been arranged alphabetically by name and by the cities or counties in which their offices are situated (§30-1-13).
- The Board has procedures in place and the required forms available to waive initial licensure fees for military and low-income individuals (§30-1-23).
- The Board considers all necessary components of a licensure applicant's prior criminal record in determining authorization to practice (§30-1-24).

The Board is financially self-sufficient as required by W. Va. Code §30-1-6(c).

The Board Is Financially Self-Sufficient

Table 2 indicates that the Board is financially self-sufficient as required by W. Va. Code §30-1-6(c). It is PERD's opinion that cash reserves that are from one to two times a board's annual expenditures are at an acceptable level. Table 2 shows the Board's end-of-year cash balances fluctuate and have ranged between 172 and 207 percent of its annual expenditures. The balances fluctuate due to the biennial renewal cycle. Certificates of Authorization (COA) are renewed in even numbered fiscal years, and professional engineer licenses are renewed in odd numbered fiscal years. As COA fees are higher than professional engineer fees, revenues tend to be higher in even fiscal years. In FY 2020 and FY 2022, the Board's end-of-year cash balance surpassed 200 percent of the Board's expenditures. This does not necessarily trigger a transfer of funds to the State General Revenue Fund under W. Va. Code §30-1-10, because such transfers are based on a board's submitted annual budget, not actual expenditures. Annual expenditures include salaries and benefits, computer services, travel, and legal services.

The Board's end-of-year cash balances fluctuate and have ranged between 172 and 207 percent of its annual expenditures.

Table 2
Board of Registration for Professional Engineers
Budget Information
FY 2020 through FY 2023

Fiscal Year	Beginning Cash Balance	Revenues	Expenditures	Ending Cash Balance	End-of-Year Cash as a Percentage of Annual Expenditures
2020	\$1,380,913	\$1,078,958	\$811,089	\$1,649,032	203%
2021	\$1,649,032	\$754,653	\$822,892	\$1,580,863	192%
2022	\$1,580,863	\$956,710	\$826,772	\$1,710,900	207%
2023	\$1,710,900	\$716,497	\$892,171	\$1,535,333	172%
Average	\$1,580,427	\$876,704	\$838,231	\$1,619,032	194%

Source: OASIS WV-FIN-GL-151 Cash Balance report. PERD calculations of percentages and averages.

The Risk of Fraud Is at an Acceptable Level

The Board has a staff of five persons: the executive director, three administrative staff, and the chief counsel. This allows the Board to have adequate segregation of duties that reduces the risk of improper use or loss of the agency's resources. To have adequate segregation of duties, there should be controls in place that prevent one person from performing two or more control activities associated with purchasing and receiving revenue, such as authorizing transactions, receiving merchandise, receiving and depositing revenue, recording transactions, and maintaining custody of assets. As an example of adequate segregation of duties for handling cash, the state treasurer specifies in its Cash Receipts Handbook for West Virginia Spending units *"Unless otherwise authorized by the State Treasurer's Office, an individual should not have the sole responsibility for more than one of the following cash handling components:*

- Collection,
- Depositing,
- Disbursement, and
- Reconciling."

To assess the risk of fraud for revenues, PERD calculated the minimum expected revenue for the Board by multiplying the number of licensees and COAs by the fees for engineering licenses and COAs, as well as multiplying the number of seals registered by the seal registration fee. Table 3 provides a comparison of expected and actual revenues for the Board for FY 2021 through FY 2023. FY 2020 is not included in this

To assess the risk of fraud for revenues, PERD calculated the minimum expected revenue for the Board by multiplying the number of licensees and COAs by the fees for engineering licenses and COAs, as well as multiplying the number of seals registered by the seal registration fee.

table because renewal information for different types of COAs was not available in query format for that year, so the expected revenue calculation could not be completed. Given that the actual revenues exceeded the expected revenues for FY 2021 through FY 2023, PERD concluded the likelihood of fraud occurring on the revenue side was relatively low.

Table 3
Board of Registration for Professional Engineers
Expected Revenue vs. Actual Revenue
FY 2021 through FY 2023

Fiscal Year	Expected Revenue	Actual Revenue*	Difference
2021	\$734,935	\$754,653	\$19,718
2022	\$903,020	\$956,710	\$53,690
2023	\$699,767	\$716,497	\$16,730

Source: PERD calculations based on OASIS WV-FIN-GL-151 and Board information.
**Renewals are biennial, so revenues fluctuate.*

To assess the risk of fraud on the expenditure side, PERD calculated the percentage of expected and required expenditures for FY 2020 through FY 2023. PERD determined that the risk of fraud is relatively low for expenditures when a board's required and expected expenditures are 90 percent or more of total annual expenditures. As Table 4 shows, the Board's required and expected expenditures for FY 2020 through FY 2023 are, on average, 98 percent of total expenses.

Table 4
Board of Registration for Professional Engineers
Percentage of Expected and Required Expenditures
FY 2020 through FY 2023

Fiscal Year	Percent
2020	98%
2021	98%
2022	97%
2023	97%
Average	98%

Source: PERD calculations based on OASIS WV-FIN-GL-062.

Given that the actual revenues exceeded the expected revenues for FY 2021 through FY 2023, PERD concluded the likelihood of fraud occurring on the revenue side was relatively low.

The Board Should Consider Collecting More Revenues Online

As seen in Table 5, the Board collects an average of 83 percent of its revenues online. However, the only fees that are collected online are renewal fees. All other fees are collected via check or money order. Collecting a greater amount of revenue online further reduces the risk of loss and fraud, and enhances efficiency. PERD recommends that the Board consider upgrading its website to receive other fees, such as application fees and seal fees.

Table 5 Board of Registration for Professional Engineers Percent Online Revenues of All Revenues FY 2020 through FY 2023			
FY	All Revenues	Online Revenues	Percent
2020	\$1,103,158	\$932,100	84%
2021	\$755,088	\$610,378	81%
2022	\$976,310	\$835,475	86%
2023	\$719,093	\$575,053	80%
Total	\$3,553,649	\$2,953,006	83%
<i>Source: PERD analysis of OASIS report WV-FIN-GL-151.</i>			

The Board collects an average of 83 percent of its revenues online. PERD recommends that the Board consider upgrading its website to receive other fees, such as application fees and seal fees.

The Board Resolves Complaints Within Mandated Time Frames

PERD reviewed all complaints received by the Board in FY 2020 through FY 2023. The Board resolved all complaints within 18 months of initial filing as required by West Virginia Code §30-1-5(c). Table 6 provides an overview of the number of complaints received, the number of cases that ended in disciplinary action, and the average number of days it took for the Board to resolve complaints. The Board's average resolution times for FY 2020 – FY2023 varied from 66 to 142 days. As required by W. Va. Code §30-1-5(c), the Board sent out six-month status reports for each filed complaint within the appropriate timeframe. In cases that were resolved prior to six months, the status reports take the form of dismissal or closure letters, or consent orders, all of which express the status of filed complaints to respondents and complainants.

Table 6 Board of Registration for Professional Engineers Complaint Resolution Statistics FY 2020 through FY 2023			
Fiscal Year	Number of Complaints Received	Number of Cases with Disciplinary Action	Average Resolution Time in Days
2020	32	29	88
2021	24	19	84
2022	40	31	66
2023	23	15	142
Totals	119	94	95
<i>Source: PERD analysis of Board complaint files. Resolution time calculated using only resolved complaints.</i>			

The Board Requires Complaints Be Verified Before a Notary Public

Table 6 above shows that for fiscal years 2020 through 2023, the Board received a total of 119 complaints. This is a relatively small number given that the Board licenses nearly 20,000 licensees. Of this total, 9 were initiated by third parties and the remaining 110 were initiated by the Board through its investigations. During that time, 22 complaints were dismissed (see Table 7 below), 13 of which were board-initiated and 9 were from third parties. Also, Table 7 shows that of the 116 complaints that were resolved in this period, 94 or 81 percent resulted in disciplinary action. The typical complaints the Board investigates involve applicants for initial licensure or license renewal who provided misinformation to the Board. This often means that the applicant omitted information about previous disciplinary action taken against them by boards in other states. Another typical complaint involves engineers or COAs practicing without a current license. These types of infractions are resolved in disciplinary action via consent orders and a fine.

It should be noted that the Board requires by procedural rules (CSR §7-2-2.1(a)) that complaints filed by the public (third parties) be verified before a notary public. PERD has taken exception to this requirement in previous (2007 and 2013) audits of this Board because it may discourage the public from filing a complaint with the Board. The Board disagrees with PERD's previous recommendations to discontinue the notarization of complaints. The inconsistency of this requirement is evident in that the Board indicates that it will investigate any incoming

It should be noted that the Board requires by procedural rules (CSR §7-2-2.1(a)) that complaints filed by the public (third parties) be verified before a notary public.

information, even if anonymous, and will open an inquiry for any matter that warrants further investigation. This procedure makes notarization a moot point if complaints are made to the Board that are not notarized. **PERD restates that the Board should discontinue the procedure of requiring complaints be verified before a notary public because it may discourage the public from filing complaints.**

Table 7 Action Taken on Complaints Board-Initiated vs. Third-Party FY 2020 - FY 2023			
Type of Complaint	Disciplinary Action	Dismissed	Total
Board-Initiated	94	13	107
Third Party	0	9	9
Totals	94	22	116*
<i>Source: PERD evaluation of Board's complaint files. *Does not include three pending cases.</i>			

The Board Has Established Continuing Education Requirements

The Board has established continuing education requirements for its licensees. Each professional engineer is required to complete a minimum of 30 hours during each biennial renewal period. All licensees are required to provide proof they took the continuing education courses. If a licensee exceeds the 30-hour requirement, he or she can carry over up to 15 hours toward the following renewal period.

Table 8 shows West Virginia and surrounding states' continuing education requirements for professional engineers for FY 2023. West Virginia's number of required continuing education hours is higher than the average of surrounding states. Like the surrounding states, West Virginia's renewal cycle is biennial.

PERD restates that the Board should discontinue the procedure of requiring complaints be verified before a notary public because it may discourage the public from filing complaints.

Table 8
Professional Engineers Continuing Education
Requirements for West Virginia and Surrounding
States for FY 2023

State	Hours Required	Renewal Cycle
Kentucky	30	Biennial
Maryland	16	
Ohio	30	
Pennsylvania	24	
Virginia	16	
Surrounding States Average	23.2	
West Virginia	30	Biennial

Source: PERD analysis of other states' professional engineer boards' websites and statutes for FY 2023.

Conclusion

The Board complies with all the general Chapter 30 provisions of West Virginia Code. The Board has established continuing education requirements, is financially self-sufficient, and resolves complaints in a timely manner. The Board should consider discontinuing the requirement that complaints be notarized, as this can deter the public from filing complaints with the Board. While the risk of loss and fraud is relatively low, the Board should consider reducing the risk further by collecting other types of revenues electronically.

The Board should consider discontinuing the requirement that complaints be notarized, as this can deter the public from filing complaints with the Board.

Recommendations

2. *The Board should consider discontinuing the requirement that complaints be verified by a notary public.*
3. *The Board should upgrade its website to allow other types of fees be collected electronically.*

While the risk of loss and fraud is relatively low, the Board should consider reducing the risk further by collecting other types of revenues electronically.

ISSUE 3

The Board’s Website Is Both User-Friendly and Transparent and Needs Little to No Improvements

Issue Summary

In order to actively engage with a state agency online, citizens must first be able to access and comprehend the information on government websites. Every website should include some elements, such as a search tool, contact information including physical and email addresses, telephone numbers, and the names of administrative officials. Other elements such as social media links, graphics, and audio/video features may not be necessary or practical for some state agencies. PERD has developed an assessment tool to evaluate West Virginia’s agency websites (see Appendix I). Table 9 shows that the Board integrates 86 percent of checklist items in its website. This is a composite score of both user-friendliness and transparency items. This measure shows that the Board’s website needs little improvement in user-friendliness and transparency.

The Board integrates 86 percent of checklist items in its website.

Table 9 Board of Registration for Professional Engineers Website Evaluation Score			
Substantial Improvement Needed	More Improvement Needed	Modest Improvement Needed	Little or No Improvement Needed
0-25%	26-50%	51-75%	76-100%
			Board 86%
Source: PERD’s review of the Board of Registration for Professional Engineers website as of May 24, 2024.			

The Board’s Website Scores Well in Both User-Friendliness and Transparency

Government websites should be designed to be user-friendly. To engage with the agency online, citizens must be able to first access and comprehend the information on government websites. A user-friendly website is understandable as well as easy to navigate from page to page. Government websites should also promote accountability and trust through providing transparency of an agency’s operation.

A review of the Board’s website was conducted by PERD for both user-friendliness and transparency and found that the website could benefit from a few enhancements in these areas (see Table 10). The Board may want to consider adding some elements that could be beneficial to the public.

A review of the Board’s website was conducted by PERD for both user-friendliness and transparency and found that the website could benefit from a few enhancements in these areas.

Table 10 Board of Registration for Professional Engineers Website Evaluation Score by Category			
Category	Possible Points	Agency Points	Percentage
User-Friendly	18	14	78%
Transparency	32	29	91%
Total	50	38	86%
<i>Source: PERD's review of the Board of Registration for Professional Engineers website as of May 24, 2024.</i>			

The Board's Website Could Still Benefit from Additional User-Friendly Features

The Board's website is easy to navigate because it has a search tool and site map. There is also a frequently asked questions (FAQ) section. However, there are no buttons to adjust font size, so the website may be more difficult to navigate for users with visual impairments. As of now, the website offers instructions on how to zoom in and out on a computer which may be difficult to read for those who need font adjustment. According to the Flesch Kincaid reading test, the website is written at a 9th grade reading level, which is above the recommended level of 7th grade.

User-Friendliness Considerations

The following attributes could further improve the website's user-friendliness:

- **Site Functionality:** The website could include buttons to adjust font size. The adjustment of text size should not distort graphics or text on the site.
- **Social Media Links:** The website could contain buttons that allow users to post an agency's content to social media pages such as Facebook and X (formerly known as Twitter).
- **Online Survey/Poll:** The visitor survey could pop up and ask users to participate. As of now, the site has a link to the visitor survey on the sidebar.

The Board's website is easy to navigate because it has a search tool and site map. However, there are no buttons to adjust font size, so the website may be more difficult to navigate for users with visual impairments.

The Board's Website Could Still Benefit from Transparency Improvements

A transparent website should promote accountability and provide information for the public about the Board's performance and encourage public participation. The Board's website contains important transparency features such as its physical address, contact information, names and contact information for board administrators, and public records such as statutes, rules, meeting minutes, and disciplinary actions. However, the Board should consider implementing the few checklist items listed below.

A transparent website should promote accountability and provide information for the public about the Board's performance and encourage public participation.

Transparency Considerations

The following attributes would improve the website's transparency:

- **Mission Statement:** The Board's mission statement should be included on the homepage.
- **Job Postings/Links to Personnel Division Website:** The website could have a link to the application page of the Personnel Division on the webpage with the open job postings.

Conclusion

The Board's website scores relatively high on PERD's website checklist and, therefore, little to no improvements are needed overall. Nevertheless, there are some user-friendly and transparency features mentioned in the report that should be considered to further improve the website's user-friendliness and transparency.

The Board's website scores relatively high on PERD's website checklist and, therefore, little to no improvements are needed overall.

Recommendations

4. *The Board should consider adding more user-friendliness and transparency elements to its website as mentioned in this review.*
5. *The Board should consider lowering the website's reading level to the recommended 7th grade reading level.*

Appendix A Transmittal Letter

WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

1900 Kanawha Blvd. East
Building 1, Room W-314
Charleston, WV 25305-0610
(304) 347-4890



John Sylvia
Director

September 12, 2024

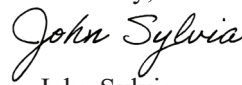
Lesley L Rosier-Tabor, Executive Director
West Virginia State Board of Registration for Professional Engineers
300 Capitol Street, Suite 910
Charleston, WV 25301

Dear Director Rosier-Tabor:

This is to transmit a draft copy of the Regulatory Board Review of the Board of Registration for Professional Engineers. This report is tentatively scheduled to be presented during the October 2024 interim meeting of the Joint Committee on Government Organization. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to answer any questions committee members may have during or after the meeting.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us by Wednesday, September 18, 2024. In addition, we need your written response by noon on Monday, September 23, 2024 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 304-340-3192 by Thursday, October 3, 2024 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. However, PERD advises that you inform any non-state government entity of the content of this report if that entity is unfavorably described, and request that it not disclose the content of the report to anyone unaffiliated with its organization. Thank you for your cooperation.

Sincerely,

John Sylvia

Appendix B

Objectives, Scope and Methodology

The Performance Evaluation and Research Division (PERD) within the Office of the Legislative Auditor conducted this Regulatory Board Review of the Board of Registration for Professional Engineers (Board) as required and authorized by the West Virginia Performance Review Act, Chapter 4, Article 10, of the *West Virginia Code*, as amended. The purpose of the Board, as established in West Virginia Code §30-13-2, is to protect the public through its license process, and to be the regulatory and disciplinary body for professional engineers throughout the state.

Objectives

The objectives of this review are to determine if the Board should be continued, consolidated or terminated, and if conditions warrant a change in the degree of regulations. In addition, this review is intended to assess the Board's compliance with the general provisions of Chapter 30, Article 1 of the *West Virginia Code*, the Board's enabling statute §30-13, and other applicable rules and laws such as the Open Governmental Proceedings (WVC §6-9A) and purchasing requirements. Finally, it is the objective of the Legislative Auditor to assess the Board's website for user-friendliness and transparency.

Scope

The scope of this evaluation included a review of the Board's internal controls, policy and procedures, meeting minutes, complaint files from FY 2020 through FY 2023, complaint-resolution process, disciplinary procedures and actions, revenues and expenditures for the period of FY 2020 through FY 2023, continuing education requirements and verification, the Board's compliance with the general statutory provisions (WVC §30-1) for regulatory boards and other applicable laws, and key features of the Board's website.

Methodology

PERD gathered and analyzed several sources of information and conducted audit procedures to assess the sufficiency and appropriateness of the information used as audit evidence. The information gathered and audit procedures are described below.

PERD staff visited the Board's office in Charleston and met with its staff. Testimonial evidence gathered for this review through interviews with the Board's staff was confirmed by written statements and in some cases by corroborating evidence.

PERD collected and analyzed the Board's complaint files, meeting minutes, annual reports, budget information, procedures for investigating and resolving complaints, and continuing education. PERD also obtained information from the State Auditor's Office and OASIS. This information was assessed against statutory requirements in §30-1 and §6-9A of the West Virginia Code as well as the Board's enabling statute §30-13 to determine the Board's compliance with such laws. Some information was also used as supporting evidence to determine the sufficiency and appropriateness of the overall evidence.

PERD compared the Board's actual revenues to expected revenues in order to assess the risk of fraud, and to obtain reasonable assurance that revenue figures were sufficient and appropriate. Expected revenues were approximated by applying license fees to the number of licensees for the period of 2021 to

2023. Revenue varied due to differences in renewal fees collected each year. The renewal fees for Certificates of Authorization are higher and collected in even fiscal years, while the lower renewal fees for Professional Engineer registrations are collected in odd fiscal years. Therefore, our evaluation of expected and actual revenues allowed us to conclude that the risk of fraud on the revenue side was at a reasonable level and would not affect the audit objectives, and actual revenues were sufficient and appropriate.

PERD also tested the Board expenditures for FY 2020 through FY 2023 to assess the risk of fraud on the expenditure side. The test involved determining if required and expected expenditures were at least 90 percent of total expenditures. Required and expected expenditures include salaries and benefits, per diem payments, travel reimbursement, board-member compensation, insurance, office rent, and utilities. PERD determined that during the scope of the review, required and expected expenses were between 97 and 98 percent of total expenditures. These percentages gave reasonable assurance that the risk of fraud on the expenditure side was not significant enough to affect the audit objectives.

In order to evaluate state agency websites, the legislative auditor conducted a literature review of government website studies, reviewed top-ranked government websites, and reviewed the work of groups that rate government websites in order to establish a master list of essential website elements. The Brookings Institute's "2008 State and Federal E-Government in the United States" and the Rutgers University's 2008 "U.S. States E-Governance Survey (2008): An Assessment of State Websites" helped identify the top ranked states in regards to e-government. The legislative auditor identified three states (Indiana, Maine and Massachusetts) that were ranked in the top 10 in both studies and reviewed all 3 states' main portals for trends and common elements in transparency and open government. The legislative auditor also reviewed a 2010 report from the West Virginia Center on Budget and Policy that was useful in identifying a group of core elements from the master list that should be considered for state websites to increase their transparency and e-governance. It is understood that not every item listed in the master list is to be found in a department or agency website because some of the technology may not be practical or useful for some state agencies. Therefore, the legislative auditor compared the Board's website to the established criteria for user-friendliness and transparency so that the Board can determine if it is progressing in step with the e-government movement and if improvements to its website should be made.

The Office of the Legislative Auditor reviews the statewide single audit and the Division of Highways financial audit annually with regards to any issues related to the State's financial system known as the West Virginia Our Advanced Solution with Integrated Systems (OASIS). The legislative auditor's staff requests and reviews on a quarterly basis any external or internal audit of OASIS. In addition, through its numerous audits, the Office of the Legislative Auditor continuously tests the OASIS financial information. Also, at the start of each audit, PERD asks audited agencies if they have encountered any issues of accuracy with OASIS data. Based on these actions, along with the audit tests conducted on audited agencies, it is our professional judgement that the information in OASIS is reasonably accurate for auditing purposes under the 2018 Government Auditing Standards (Yellowbook). However, in no manner should this statement be construed as a statement that 100 percent of the information in OASIS is accurate.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix C

Agency Response



West Virginia State Board of Registration for Professional Engineers

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September 24, 2024

Mr. John Sylvia, Director
Performance Evaluation and Research Division
West Virginia Legislature
Building 1, W-314
1900 Kanawha Boulevard East
Charleston, WV 25305

Re: Agency Response to Regulatory Review of the Board of Registration for Professional Engineers

Dear Mr. Sylvia:


This letter comes to you as the official agency response on behalf of the West Virginia State Board of Registration for Professional Engineers regarding your transmittal of the draft copy of our agency's Regulatory Board Review dated September 12, 2024.

As discussed with Ms. Brooke McCormick on September 19, 2024, and subsequently included in our email exchange the same day, the Board President and I have reviewed the draft report and agree there is no need to schedule an exit conference. We will await details of the October 2024 interim meeting of the Joint Committee on Government Organization and will plan to be in attendance should any questions arise from your presentation. In addition, we do not anticipate distributing any additional material to committee members.

Regarding the recommendations set forth in the Regulatory Board evaluation, they will be presented to the Board at their next regularly scheduled meeting on November 20, 2024. However, until then, I am pleased to report that staff, in cooperation with our website programmer at the WV State Treasurer's Office, have already made some of the suggested website updates to meet your user-friendliness and transparency rubric guidance.

In closing, we want to personally thank you, Ms. Brooke McCormick and Mr. Chris Carney for the time and effort put into our comprehensive regulatory review. Your staff exhibited a sincere interest in learning about the engineering licensure process and were extremely courteous and professional in all communications. Please know we appreciate the opportunity to review and comment on the draft report and are committed to assuring the Board remains in compliance with legislative standards while providing superior service to the engineering students, the engineering professionals, and the citizens of our great state. Should you have any further comments, questions, or recommendations, please do not hesitate to contact our office. Thank you.

Sincerely,


Lesley L. Rosier-Tabor, P.E.
Executive Director


Garth E. Thomas, Jr., P.E.
Board President

Appendix I

Website Criteria Checklist and Points System

Appendix I Website Criteria Checklist and Points System			
User-Friendly	Description	Total Points Possible	Total Agency Points
Criteria	The ease of navigation from page to page along with the usefulness of the website.	18	14
		Individual Points Possible	Individual Agency Points
Search Tool	The website should contain a search box (1), preferably on every page (1).	2 points	2 points
Help Link	There should be a link that allows users to access a FAQ section (1) and agency contact information (1) on a single page. The link's text does not have to contain the word help, but it should contain language that clearly indicates that the user can find assistance by clicking the link (i.e. "How do I...", "Questions?" or "Need assistance?")	2 points	2 points
Foreign language accessibility	A link to translate all webpages into languages other than English.	1 point	1 point
Content Readability	The website should be written on a 6 th -7 th grade reading level. The Flesch-Kincaid Test is widely used by Federal and State agencies to measure readability.	No points, see narrative	
Site Functionality	The website should use sans serif fonts (1), the website should include buttons to adjust the font size (1), and resizing of text should not distort site graphics or text (1).	3 points	1 point
Site Map	A list of pages contained in a website that can be accessed by web crawlers and users. The Site Map acts as an index of the entire website and a link to the department's entire site should be located on the bottom of every page.	1 point	1 point
Mobile Functionality	The agency's website is available in a mobile version (1) and/or the agency has created mobile applications (apps) (1).	2 points	2 points
Navigation	Every page should be linked to the agency's homepage (1) and should have a navigation bar at the top of every page (1).	2 points	2 points
FAQ Section	A page that lists the agency's most frequent asked questions and responses.	1 point	1 point

Appendix I Website Criteria Checklist and Points System

Feedback Options	A page where users can voluntarily submit feedback about the website or particular section of the website.	1 point	1 point
Online survey/poll	A short survey that pops up and requests users to evaluate the website.	1 point	0 points
Social Media Links	The website should contain buttons that allow users to post an agency's content to social media pages such as Facebook and Twitter.	1 point	0 points
RSS Feeds	RSS stands for "Really Simple Syndication" and allows subscribers to receive regularly updated work (i.e. blog posts, news stories, audio/video, etc.) in a standardized format.	1 point	1 point
Transparency	Description	Total Points Possible	Total Agency Points
Criteria	A website which promotes accountability and provides information for citizens about what the agency is doing. It encourages public participation while also utilizing tools and methods to collaborate across all levels of government.	32	29
		Individual Points Possible	Individual Agency Points
Email	General website contact.	1 point	1 point
Physical Address	General address of state agency.	1 point	1 point
Telephone Number	Correct telephone number of state agency.	1 point	1 point
Location of Agency Headquarters	The agency's contact page should include an embedded map that shows the agency's location.	1 point	1 point
Administrative officials	Names (1) and contact information (1) of administrative officials.	2 points	2 points
Administrator(s) biography	A biography explaining the administrator(s) professional qualifications and experience.	1 point	1 point
Privacy policy	A clear explanation of the agency/state's online privacy policy.	1 point	1 point
Complaint form	A specific page that contains a form to file a complaint (1), preferably an online form (1).	2 points	2 points

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Budget	Budget data is available (1) at the checkbook level (1), ideally in a searchable database (1).	3 points	3 points
FOIA information	Information on how to submit a FOIA request (1), ideally with an online submission form (1).	2 points	1 point
Calendar of events	Information on events, meetings, etc. (1) ideally imbedded using a calendar program (1).	2 points	2 points
Mission statement	The agency's mission statement should be located on the homepage.	1 point	0 points
Agency history	The agency's website should include a page explaining how the agency was created, what it has done, and how, if applicable, has its mission changed over time.	1 point	1 point
Public Records	The website should contain all applicable public records relating to the agency's function. If the website contains more than one of the following criteria the agency will receive two points: <ul style="list-style-type: none"> • Statutes • Rules and/or regulations • Contracts • Permits/licenses • Audits • Violations/disciplinary actions • Meeting Minutes • Grants 	2 points	2 points
e-Publications	Agency publications should be online (1) and downloadable (1).	2 points	2 points
Agency Organizational Chart	A narrative describing the agency organization (1), preferably in a pictorial representation such as a hierarchy/organizational chart (1).	2 points	2 points
Graphic capabilities	Allows users to access relevant graphics such as maps, diagrams, etc.	1 point	1 point
Audio/video features	Allows users to access and download relevant audio and video content.	1 point	1 point
Performance measures/outcomes	A page linked to the homepage explaining the agencies performance measures and outcomes.	1 point	1 point

Appendix I
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Website updates	The website should have a website update status on screen (1) and ideally for every page (1).	2 points	2 points
Job Postings/links to Personnel Division website	The agency should have a section on its homepage for open job postings (1), and a link to the West Virginia Personnel Division's application page (1).	2 points	1 point



WEST VIRGINIA OFFICE OF THE LEGISLATIVE AUDITOR

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