

From: Justice, Kristi A
Sent: Monday, August 24, 2020 10:22 AM
To: David Lee Ingram
Subject: RE:

Dear Mr. Ingram,

Thank you for your comment regarding the West Virginia Board of Professional Surveyors proposed amendment to Legislative Rule 23CSR1 (Examination and Licensing of Professional Surveyors in West Virginia). The proposed changes include the following:

- Adding the definition "Direct Supervision"
- Removing certain language in the definition "Responsible Charge"
- Removing certain language in Section 23-1-3 regarding Education and Experience Reporting, which would allow the language in the rule to be consistent with the WV statutory requirements set forth in Chapter 30, Article 13A, as it pertains to licensure for a Professional Surveyor.

The purpose of the amendment is to bring our Series 1 Rule in line with the express statutory requirements set forth in Chapter 30-13A-8 (Education, Experience and examination requirement for a surveying license). See below the requirements stated in Chapter 30, Article 13A:

§30-13A-8. Education, experience and examination requirements for a surveying license.

(a) Before a person may apply for a surveying license, the person must have completed one of the following educational, experience and examination requirements:

(1) Has a four-year degree or a bachelor degree in surveying approved by the board, which degree must include a minimum of thirty hours of surveying or surveying-related courses, has passed an examination in the fundamentals of land surveying, has two years or more of experience in surveying in responsible charge, has passed an examination in the principles and practice of land surveying and has passed the West Virginia examination;

(2) Has a four-year degree or a bachelor degree, has completed a minimum of thirty hours of surveying or surveying-related courses, has passed an examination in the fundamentals of land surveying, has four years or more of experience in surveying, including two years of experience in responsible charge under the direct supervision of a licensee or a person authorized in another jurisdiction to engage in the practice of surveying, has passed an examination in the principles and practice of land surveying and has passed the West Virginia examination; or

(3) Has a two-year degree or an associate degree in surveying or a related field approved by the board, which degree must include a minimum of thirty hours of surveying or surveying-related courses, has passed an examination in the fundamentals of land surveying, has four years or more of experience in surveying, including two years of experience in responsible charge under the direct supervision of a licensee or a person authorized in another state or country to engage in the practice of surveying, has passed an examination in the principles and practice of land surveying and has passed the West Virginia examination.

(b) A person graduating from a two-year or four-year approved surveying degree program with a grade point average of 3.0 or higher is permitted to take the examination in the fundamentals of land surveying during his or her final semester.

(c) A person must pass the examination in the fundamentals of land surveying and complete the work experience before he or she is allowed to take the examination in the principles and practice of land surveying and the West Virginia examination.

(d) The examination in the fundamentals of land surveying, the examination in the principles and practice of land surveying and the West Virginia examination shall each be held at least once each year at the time and place determined by the board. A person who fails

to pass all or any part of an examination may apply for reexamination, as prescribed by the board, and shall furnish additional information and fees as required by the board.

(e) A person who began the education, experience or examination requirements and were approved by the board prior to December 31, 2004, have until December 31, 2012, to complete such requirements for licensure.

Thank you again for your response.

From: David Lee Ingram <ingram@cfw.com>
Sent: Tuesday, July 14, 2020 11:19 AM
To: Justice, Kristi A <Kristi.A.Justice@wv.gov>
Subject: Re:

I have no comment on the proposed revisions.

Dave

.....
David Lee Ingram
140 Old Bridgewater Road
Mt. Crawford, VA 22841
primary - ingram@cfw.com
alternate - dlingram50@gmail.com
(v) 540 828-4878
(c) 540 810-5975
visit www.surveyhistory.org

From: Justice, Kristi A
Sent: Tuesday, July 14, 2020 9:33 AM
To: undisclosed-recipients:

Dear Licensee,

The West Virginia Board of Professional Surveyors is proposing an amendment to the Current Series 1 Legislative Rule 23CSR1 (Examination and Licensing of Professional Surveyors in West Virginia). The West Virginia Society of Professional Surveyors provided guidance to the Board regarding the proposed amendment. As a licensee you have the right to review and comment on the proposed changes.

The proposed changes include the following:

- Adding the definition "Direct Supervision"
- Removing certain language in the definition "Responsible Charge"
- Removing certain language in Section 23-1-3 regarding Education and Experience Reporting, which would allow the language in the rule to be consistent with the WV statutory requirements set forth in Chapter 30, Article 13A, as it pertains to licensure for a Professional Surveyor.

All comments are public record and will be accepted until August 14, 2020 at 5:00 pm. Attached you will find a copy of the proposed changes, old language is crossed out and the new language is underlined.

Submit comments by any of the following options:

MAIL:

West Virginia Board of Professional Surveyors
1124 Smith Street, Suite B127C
Charleston, WV 25301

EMAIL: wvbps@wv.gov or kristi.a.justice@wv.gov

Thank you,

Kristi A. Justice, MA
Executive Director
West Virginia Board of Professional Surveyors
1124 Smith Street, Suite B127C
Charleston, WV 25301
(304) 558-0350
www.wvbps.wv.gov



Virus-free. www.bva.com

Justice, Kristi A

From: Justice, Kristi A
Sent: Monday, August 24, 2020 10:15 AM
To: 'Bruce A. Reese'
Subject: RE:

Dear Mr. Reese, ,

Thank you for your comment regarding the West Virginia Board of Professional Surveyors proposed amendment to Legislative Rule 23CSR1 (Examination and Licensing of Professional Surveyors in West Virginia). The proposed changes include the following:

- Adding the definition "Direct Supervision"
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§30-13A-8. Education, experience and examination requirements for a surveying license.

(a) Before a person may apply for a surveying license, the person must have completed one of the following educational, experience and examination requirements:

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to pass all or any part of an examination may apply for reexamination, as prescribed by the board, and shall furnish additional information and fees as required by the board.

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Thank you again for your response,

Kristi A. Justice, MA
Executive Director
West Virginia Board of Professional Surveyors
1124 Smith Street, Suite B127C
Charleston, WV 25301
(304) 558-0350
www.wvbps.wv.gov

From: Bruce A. Reese <bruce@legacy-eng.com>
Sent: Tuesday, July 14, 2020 5:32 PM
To: Justice, Kristi A <Kristi.A.Justice@wv.gov>
Cc: Corporate <Corporate1@LegacyEng.onmicrosoft.com>
Subject: RE:

Kristi,
Thank you for the opportunity to comment - I have no comments on the proposed code changes.

Best,

Bruce A. Reese, P.E., L.S.
Executive Vice President

Legacy Engineering, P.C.
Direct (540) 684-3125
Cell (703) 409-2220



From: Justice, Kristi A <Kristi.A.Justice@wv.gov>
Sent: Tuesday, July 14, 2020 9:33 AM
Subject:

Dear Licensee,

The West Virginia Board of Professional Surveyors is proposing an amendment to the Current Series 1 Legislative Rule 23CSR1 (Examination and Licensing of Professional Surveyors in West Virginia). The West Virginia Society of Professional Surveyors provided guidance to the Board regarding the proposed amendment. As a licensee you have the right to review and comment on the proposed changes.

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(304) 558-0350
www.wvbps.wv.gov

From: Justice, Kristi A
Sent: Monday, August 24, 2020 10:17 AM
To: David Holz
Subject: RE: Re:

Dear Licensee,

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1124 Smith Street, Suite B127C
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(304) 558-0350
www.wvbps.wv.gov

From: David Holz <holzlandsurveys@gmail.com>
Sent: Tuesday, July 14, 2020 1:47 PM
To: Justice, Kristi A <Kristi.A.Justice@wv.gov>
Subject: Re:

Would it be possible to get a copy of the current license requirement? I can't find the proposed changes to the crossed out lines.

Thanks, David

On Tue, Jul 14, 2020 at 9:33 AM Justice, Kristi A <Kristi.A.Justice@wv.gov> wrote:

Dear Licensee,

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EMAIL: wvbps@wv.gov or kristi.a.justice@wv.gov

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Kristi A. Justice, MA

Executive Director

West Virginia Board of Professional Surveyors

1124 Smith Street, Suite B127C

Charleston, WV 25301

(304) 558-0350

www.wvbps.wv.gov

Justice, Kristi A

From: Justice, Kristi A
Sent: Monday, August 24, 2020 10:21 AM
To: Doretta Malone
Subject: RE: WVBPS - Proposed Rule Amendment - 23CSR1

Dear Mr. Malone,

Thank you for your comment regarding the West Virginia Board of Professional Surveyors proposed amendment to Legislative Rule 23CSR1 (Examination and Licensing of Professional Surveyors in West Virginia). The proposed changes include the following:

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(e) A person who began the education, experience or examination requirements and were approved by the board prior to December 31, 2004, have until December 31, 2012, to complete such requirements for licensure.

Thank you again for your response.

From: Doretta Malone <dorettamalone@gmail.com>
Sent: Tuesday, July 14, 2020 12:46 PM
To: Justice, Kristi A <Kristi.A.Justice@wv.gov>
Subject: Re: WVBPS - Proposed Rule Amendment - 23CSR1

I have no problems with the proposed changes

Richard Malone

On Tue, Jul 14, 2020 at 9:46 AM Justice, Kristi A <Kristi.A.Justice@wv.gov> wrote:

Dear Licensee,

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Charleston, WV 25301

EMAIL: wvbps@wv.gov or kristi.a.justice@wv.gov

Thank you,

Kristi A. Justice, MA

Executive Director

West Virginia Board of Professional Surveyors

1124 Smith Street, Suite B127C

Charleston, WV 25301

(304) 558-0350

www.wvbps.wv.gov

Justice, Kristi A

From: Justice, Kristi A
Sent: Monday, August 24, 2020 10:23 AM
To: Michael Shepp
Subject: RE: WVBPS - Proposed Rule Amendment - 23CSR1

Dear Licensee,

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Thank you again for your response.

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Executive Director
West Virginia Board of Professional Surveyors
1124 Smith Street, Suite B127C
Charleston, WV 25301
(304) 558-0350
www.wvbps.wv.gov

From: Michael Shepp <michaelshepp@me.com>
Sent: Tuesday, July 14, 2020 11:18 AM
To: Justice, Kristi A <Kristi.A.Justice@wv.gov>
Subject: Re: WV8PS - Proposed Rule Amendment - 23CSR1

Kristi,

Just to make sure I understand what is being proposed, the education requirement is being eliminated entirely? Doesn't that play into the hands of those folks who want to deregulate surveying and eliminate the licensing requirement?

Mike Shepp
Sent from my iPad

On Jul 14, 2020, at 9:46 AM, Justice, Kristi A <Kristi.A.Justice@wv.gov> wrote:

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<23CSR1 -Experience Changes 07132020.pdf>

Justice, Kristi A

From: Justice, Kristi A
Sent: Monday, August 24, 2020 10:23 AM
To: 'Roy Haught'
Subject: RE: WVBPB - Proposed Rule Amendment - 23CSR1

Dear Mr. Haught,

Thank you for your comment regarding the West Virginia Board of Professional Surveyors proposed amendment to Legislative Rule 23CSR1 (Examination and Licensing of Professional Surveyors in West Virginia). The proposed changes include the following:

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(304) 558-0350
www.wvbps.wv.gov

From: Roy Haught <rhaught@c2csurveying.com>
Sent: Tuesday, July 14, 2020 11:03 AM
To: WVBPS <WVBPS@wv.gov>
Cc: Justice, Kristi A <Kristi.A.Justice@wv.gov>
Subject: RE: WVBPS - Proposed Rule Amendment - 23CSR1

I oppose the Amendments as related to the striking of 3.4

The intent is clear, to me, that these were guidelines for the Board in granting certain "experience equivalents", as 3.4 clearly states, for Responsible Charge.

3.4a.....for two years experience...

3.4b.....substitute for experience...

And so on.

As far as I understand, the Board holds the right to deem what is accepted experience for "Responsible Charge".

Chapter 30-13A-5 Powers and duties

(3). Establish qualifications for licensure.....

(4). Examine the qualification of a license.....

I interpret that 30-13A-8 as meaning the minimum requirements for someone to apply, as it is stated.

Title 23-3.4, I interpret its intent as a guide for the Board as it related to accrediting experience for "Responsible Charge." (which is the basis for establishing the qualifications for licensure).

To me, whatever attorney lead the charge that this was in conflict with Chapter 30, was misguided in his thoughts.

That is my view on the matter but I am not an attorney.

I feel that a revision of statement 3.4 is all that is needed to make it more clear that these are helpful guidelines for the Board to deem what is some educational instances of experience directly related to "Responsible Charge."

This is the reason I voted against the revisions in the Board of Directors meeting.

Roy D. Haught P.S.
President



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Justice, Kristi A

From: Justice, Kristi A
Sent: Monday, August 24, 2020 10:24 AM
To: 'Chris Blair'
Subject: RE: Experience Changes

Dear Mr. Blair,

Thank you for your comment regarding the West Virginia Board of Professional Surveyors proposed amendment to Legislative Rule 23CSR1 (Examination and Licensing of Professional Surveyors in West Virginia). The proposed changes include the following:

- Adding the definition "Direct Supervision"
- Removing certain language in the definition "Responsible Charge"
- Removing certain language in Section 23-1-3 regarding Education and Experience Reporting, which would allow the language in the rule to be consistent with the WV statutory requirements set forth in Chapter 30, Article 13A, as it pertains to licensure for a Professional Surveyor.

The purpose of the amendment is to bring our Series 1 Rule in line with the express statutory requirements set forth in Chapter 30-13A-8 (Education, Experience and examination requirement for a surveying license). See below the requirements stated in Chapter 30, Article 13A:

§30-13A-8. Education, experience and examination requirements for a surveying license.

(a) Before a person may apply for a surveying license, the person must have completed one of the following educational, experience and examination requirements:

(1) Has a four-year degree or a bachelor degree in surveying approved by the board, which degree must include a minimum of thirty hours of surveying or surveying-related courses, has passed an examination in the fundamentals of land surveying, has two years or more of experience in surveying in responsible charge, has passed an examination in the principles and practice of land surveying and has passed the West Virginia examination;

(2) Has a four-year degree or a bachelor degree, has completed a minimum of thirty hours of surveying or surveying-related courses, has passed an examination in the fundamentals of land surveying, has four years or more of experience in surveying, including two years of experience in responsible charge under the direct supervision of a licensee or a person authorized in another jurisdiction to engage in the practice of surveying, has passed an examination in the principles and practice of land surveying and has passed the West Virginia examination; or

(3) Has a two-year degree or an associate degree in surveying or a related field approved by the board, which degree must include a minimum of thirty hours of surveying or surveying-related courses, has passed an examination in the fundamentals of land surveying, has four years or more of experience in surveying, including two years of experience in responsible charge under the direct supervision of a licensee or a person authorized in another state or country to engage in the practice of surveying, has passed an examination in the principles and practice of land surveying and has passed the West Virginia examination.

(b) A person graduating from a two-year or four-year approved surveying degree program with a grade point average of 3.0 or higher is permitted to take the examination in the fundamentals of land surveying during his or her final semester.

(c) A person must pass the examination in the fundamentals of land surveying and complete the work experience before he or she is allowed to take the examination in the principles and practice of land surveying and the West Virginia examination.

(d) The examination in the fundamentals of land surveying, the examination in the principles and practice of land surveying and the West Virginia examination shall each be held at least once each year at the time and place determined by the board. A person who fails

to pass all or any part of an examination may apply for reexamination, as prescribed by the board, and shall furnish additional information and fees as required by the board.

(e) A person who began the education, experience or examination requirements and were approved by the board prior to December 31, 2004, have until December 31, 2012, to complete such requirements for licensure.

Thank you again for your response.

Kristi A. Justice, MA
Executive Director
West Virginia Board of Professional Surveyors
1124 Smith Street, Suite B127C
Charleston, WV 25301
(304) 558-0350
www.wvbps.wv.gov

From: Chris Blair <cblair@navituseng.com>
Sent: Tuesday, July 14, 2020 10:37 AM
To: Justice, Kristi A <Kristi.A.Justice@wv.gov>
Subject: RE: Experience Changes

Good Morning Kristi,

Thank you for sending out this info and offering a chance to comment. Everything you have outlined in the changes seems understandable with the exception of section 3.3.

The way it reads to me with the redacted sections removed would give the board the authority to withhold licenses at will, or allow inexperienced people to apply for licensure based on their discretion. I feel this change is setting the board and our profession up for failure due to future litigation or legal actions based on inconsistent decisions. I think there needs to be at least one benchmark or threshold of education and/or experience beyond 2 years of responsible charge in order to maintain our "professional" qualification. I am against requiring a degree, but at the same time, there must be a certain level of knowledge needed to be proficient as a surveyor that can only come with education and/or professional experience.

Thank you for the opportunity to give my input.

Chris

Christopher Blair, PLS | Land Surveyor
Phone: 888.662.4185 | Cell: 540.313.5883 | Fax: 540.722.9528 | Email: cblair@navituseng.com

From: Justice, Kristi A <Kristi.A.Justice@wv.gov>
Sent: Tuesday, July 14, 2020 9:33 AM
Subject:

Dear Licensee,

The West Virginia Board of Professional Surveyors is proposing an amendment to the Current Series 1 Legislative Rule 23CSR1 (Examination and Licensing of Professional Surveyors in West Virginia). The West Virginia Society of Professional Surveyors provided guidance to the Board regarding the proposed amendment. As a licensee you have the right to review and comment on the proposed changes.

The proposed changes include the following:

- Adding the definition "Direct Supervision"
- Removing certain language in the definition "Responsible Charge"
- Removing certain language in Section 23-1-3 regarding Education and Experience Reporting, which would allow the language in the rule to be consistent with the WV statutory requirements set forth in Chapter 30, Article 13A, as it pertains to licensure for a Professional Surveyor.

All comments are public record and will be accepted until August 14, 2020 at 5:00 pm. Attached you will find a copy of the proposed changes, old language is crossed out and the new language is underlined.

Submit comments by any of the following options:

MAIL:

West Virginia Board of Professional Surveyors
1124 Smith Street, Suite B127C
Charleston, WV 25301

EMAIL: wvbps@wv.gov or kristi.a.justice@wv.gov

Thank you,

Kristi A. Justice, MA
Executive Director
West Virginia Board of Professional Surveyors
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