



WEST VIRGINIA STATE BOARD OF REGISTRATION FOR FORESTERS

MINUTES OCTOBER 11, 2007

The meeting of the West Virginia Board of Registration for Foresters (WVBORF) was held at West Virginia Conservation Agency's office at the West Virginia Department of Agriculture's Guthrie Complex near Charleston, WV. The meeting was called to order at 10:16 a.m. by WVBORF President Ray Hicks. Board members present were: Cinda Francis, Ray Hicks, David Hill, Gary Miller and Dan Parker. Others in attendance: Charles Roskovensky, Counsel for the WV House of Delegates Committee on Government Organization; Greg Cook, WV Division of Forestry.

The Minutes of the April 12, 2007 meeting were reviewed and Dan Parker moved that the Board accept the minutes. David Hill seconded the motion. Motion passed. The Financial Report was reviewed – Deposits for the period totaled \$11,220.00 and Expenditures were \$5,237.89, with a balance on hand as of October 11, 2007 of \$17,124.78. Gary Miller made a motion to accept the Financial Report as presented. Dan Parker seconded the motion. Motion passed.

CORRESPONDANCE

The Board received no Letters of Complaint.

Dexter Starcher (#464) inquired regarding re-instatement. Upon receiving this inquiry, Secretary Francis discovered that Board records indicate that Mr. Starcher was never licensed and issued a number. Mr. Starcher has submitted the letter from then Secretary Lilly stating that he had indeed been licensed and given #464. At this time, the official files in the West Virginia Division of Forestry office have not been searched. After much discussion, it was decided that Secretary Francis will search the files for Mr. Starcher's information. If his file with credentials is located, he will then be required to pay the re-instatement fee, supply documentation of obtaining 10 CFEs within the past fiscal year, and pay the \$25 renewal fee. If no file is located, Mr. Starcher will be asked to resubmit his credentials before being issued a new number.

OLD BUSINESS

Testing – Due to confusion over the legality of the Board requiring a test for new WVBORF licensees, Charles Roskovensky, Counsel with the WV House of Delegates Committee of Government Organization, was present to discuss the issue. According to Mr. Roskovensky, the WVBORF statute limits the Board's ability to change registration requirements. Since statute takes precedence over rule, the Board will need to amend the statute rather than change the

requirement through a legislative rule. Dan Parker moved and Gary Miller seconded a motion that stated President Hicks work with Mr. Roskovensky to develop the language for the legislation. Motion passed. Mr. Roskovensky also brought to the Board's attention that there were some language changes that should be made to our statute (Article 19) to bring it up to current standards. This will be drafted and submitted during the 2009 session.

Additionally, Dan Parker moved to withdraw the motion (legislative rule) from the Secretary of State's office (200CSR1) that had been incorrectly submitted. David Hill seconded the motion. Motion passed. Secretary Francis will follow up with the Secretary of State's Office to ensure they are aware of our decision.

Further discussion on the exam included administration and scoring. Secretary Francis will make contact with other states (i.e., VA, NC, MD) regarding their procedures and report back to the Board. Additionally, Gary Miller and President Hicks will finish the exam and work on beta testing and an implementation strategy. At this time, the concensus is to only require the exam for Registered Foresters. The subject of testing Forestry Technicians will be on the April 2008 agenda.

Stamp – David Hill reported that Charleston Blueprint can provide a stamp and embosser. The approved image will be posted on the WVBORF website and licensees will be provided a list of suppliers with the 2008 renewals, should they choose to purchase one.

Boundary Marking – David Hill reported on the workshop that was held in Bridgeport in conjunction with the WV ACF Chapter and the WV Society of Professional Surveyors. The main concern of surveyors is when foresters flag lines prior to a timber harvest and refer to it as marking "boundary lines" as opposed to referring to it as marking the "limits of the timber sale." In light of this, David Hill will draft a brief paragraph to post on the WVBORF website to provide guidance for foresters to prevent complaints in the future.

Reappointment of Board Member – Gary Miller's position on the Board expired June 30, 2007, but he is willing to serve another 3-year term. Secretary Francis reported that Mary Beth Adams, Chair, WV SAF, had sent a letter to Governor Manchin on July 24, 2007, stating the SAF's recommendation of Gary Miller. To date, a response from the Governor's office has not been received. WVBORF statute states that if the Governor fails to fill a vacancy within ninety days after the expiration of the term, the Board can appoint a replacement. Dan Parker moved to reappoint Gary Miller to the Board. David Hill seconded the motion. Motion passed.

NEW BUSINESS

Website Additions – Secretary Francis will ensure that the items discussed earlier (i.e., availability and use of WVBORF stamp and embosser, boundary/timber sale limit marking) would be added to the website. Additionally, the names of those licensees that are delinquent will not be listed on the website.

State Auditor's Training – Secretary Francis reported on the State Auditor's Training that she recently attended. She reported on the following:

- Boards must have a quorum present to hold meetings.
- Substantive Board discussions cannot take place via email; Board minutes cannot be circulated and altered, via email, prior to official Board meetings; ALL business must take place at Board meetings.
- Non-Board members that attend Board meetings do not have to be given time to speak during the meeting.
- Complaints received by the Board are subject to Freedom of Information requests.
- The WV Insurance Commission will begin notifying Boards when licensees are delinquent with Workers' Compensation payments. The details on exactly how this will be done are not yet confirmed, however, it was suggested by attendees at the training that Boards be issued a letter stating that due process in complete and de-licensing should occur.
- Recently legislation mandates specific items be included in Boards' Annual Reports; most are already included in the WVBORFs.
- Boards are to have an investigative process established to address complaints.
- Permanent records are not to be kept in electronic format.
- Boards must maintain a register (all applicants) and a roster (all practitioners).

WVDOF Request – Greg Cook, West Virginia Division of Forestry, addressed the Board with a request. His request was in regard to a situation whereby a WVDOF employee, who lacks a two-year Forestry Technician degree and is ineligible for WVBORF licensing, has been recommended for a promotion within the WVDOF. When the WVDOF revised their job descriptions to require at least a two-year Forestry Technician degree, employees who lacked the educational credentials were grandfathered into their present positions. Additionally, the WVBORF had issued a statement that it did not object to such action, but advised the WVDOF to be cautious in how these individuals portray themselves to the public. Mr. Cook's request stated that since this individual did not meet the current educational qualifications for the position he was being recommended for, the WVBORF write a letter stating that once again, the Board was not in objection to such a promotion.

After much discussion, Gary Miller made a motion to have President Hicks write a letter stating the WVBORF does not object to the wording of the said job description, in this particular instance, and that the WVBORF stresses the importance of using the appropriate title when said employee represents them self to the public. This decision only applies to those employees grandfathered into the WVDOF. Dan Parker seconded the motion. Motion unanimously passed.

Reciprocity – Secretary Francis reported to the Board that the reciprocity agreement that exists with Maryland simply waives the licensee's registration process, but still requires such individuals to renew their license and provide documentation of 10 CFEs annually.

REVIEW OF APPLICANTS

Emeritus Status. There were 2 individuals that requested Emeritus Status: James Evans, #311; and Harry Wiant, #177. Dan Parker moved to approve both licensees as Emeritus Status and David Hill seconded the motion. Motion carried.

Applicants tabled from April 12, 2007 meeting – Chad E. Brown, Jedidiah Coldwell, Jon M. Corley and Todd A. Lotter had submitted applications for licensing as Professional Foresters at the April 12, 2007, Board meeting. Matthew Cover, Travis Mark Miller and Matthew Woody had submitted applications for Professional Forestry Technicians at the April 12, 2007, Board meeting. Applications on all seven individuals were reviewed and addressed with the other new applicants (see below).

Reciprocity- There were no requests by foresters for reciprocity with the state of Maryland .

New Forester and Forestry Technician Applicants

The following **Forester** applications were received. After reviewing these applications and the applications from the individuals held over from the April 12, 2007, meeting they were found to be in order. Dan Parker moved and David Hill seconded a motion that with the applications being in order, licenses be issued. The motion carried.

Chad E. Brown	#687
Jedidiah Coldwell	#688
Jon M. Corley	#689
Jeff Jones	#690
Todd A. Lotter	#691
Jed Spratt	#692

The following applicants were reviewed and found not to meet the work experience standards. Dan Parker moved and Gary Miller seconded a motion that the applicants be classified as **Foresters-in-Training**. Motion carried.

Shon Butler
Eric Judy
Timothy Sizemore
Nathaniel Yost

In addition, Michael Dolin had submitted an application which was reviewed and found to be lacking the required references, as well as not meeting the work experience requirements. Dan Parker moved and Gary Miller seconded a motion that the applicant be approved as **Forester-in-Training** pending the appropriate references are received. The motion carried.

An application received by Vernon Stephens was reviewed. The application was found to be incomplete for Forester status and the work experience requirement had not been met. Dan

Parker moved and Gary Miller seconded a motion to approve the applicant as a **Forestry Technician-in-Training**.

Secretary Francis informed the Board of its incorrect action in awarding Daniel Haddox a license as a Forestry Technician at the April 12, 2007, meeting, David Hill made a motion which was seconded by Dan Parker, that his license be rescinded. Motion passed. Daniel Haddox is to be listed as **Forestry Technician-in-Training** status.

The following **Forestry Technician** applications were received. After reviewing these applications and the applications from the individuals held over from the April 12, 2007, meeting they were found to be in order. Gary Miller moved and David Hill seconded a motion that with the applications being in order, licenses be issued. The motion carried.

Matthew Cover	FT-#93
Robert Keiling	FT-#94
Barry Norman	FT-#95

The following applicants were reviewed and found not to meet the experience requirements. Gary Miller moved and David Hill seconded a motion that the applicants be classified as **Forestry Technicians-in-Training**. Motion carried.

Travis Mark Miller
Jon Thomas Wilson
Matthew Woody

In addition, the following applicants were reviewed and found to not meet the experience requirements as well as lacking appropriate references. Gary Miller moved and Dan Parker seconded a motion that the applicants be listed as **Forestry Technicians-in-Training** pending the required references are received. Motioned carried.

Ed Saksa
Seth Schoonover

Forester in Training Upgrades – Two Foresters-in-Training requested upgrades from the Board. These applications now meet the work experience requirements. Dan Parker moved and Gary Miller seconded a motion that the following licenses be issued. Motion carried.

Timothy Horner	#693
Daniel Rexrode	#694

The next scheduled meeting of the Board will be April 10, 2008 at WVDOF Office in Charleston, WV.

The meeting was adjourned at 4:05 p.m.