

**MINUTES OF THE REGULAR MEETING OF THE OHIO STATE BOARD OF REGISTRATION  
FOR PROFESSIONAL ENGINEERS AND SURVEYORS**

Wednesday February 16, 2011

Members Present:

Theodore B. Hubbard, P.E., P.S.	Chair
Chandra Shah, P.E.	Vice Chair
James D. Mawhorr, P.E., P.S.	Secretary
Frank D. Snyder, Jr., P.S.	Member
Keith Swearingen, P.E., P.S.	Member

Staff Present:

John F. Greenhalge	Executive Director
Lynn Jones	Assistant Executive Director
Jason P. McLean	Enforcement Supervisor
Karen Schick	Administrative Assistant
James M. Evans	Assistant Attorney General

CALL TO ORDER

The State Board of Registration for Professional Engineers and Surveyors held its regular meeting on Wednesday February 16, 2011 at 50 West Broad Street, Suite 1820, Columbus, Ohio 43215 in the Board conference room. Chairman Hubbard called the meeting to order at 9:34 a.m.

APPROVAL OF MINUTES

The minutes of the January 19, 2011 Board meeting were presented for approval.

***Motion by Mr. Mawhorr, second by Mr. Shah, to approve the January 19, 2011 meeting minutes.  
Motion carried.***

*Mr. Greenhalge reported that the Board will begin posting the approved minutes on the Board's website.*

RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Present at the meeting:

Holly Ross, Ohio Society of Professional Engineers  
Melinda Gilpin, Professional Land Surveyors of Ohio  
David Inderstrod, Maze Design Inc.

BOARD REVIEW OF APPLICATIONS

1. Michael J. Ellek- PE Exam Applicant

Mr. Ellek does not have four years of engineering experience under the direction of a professional engineer. Mr. Ellek's application was referred to the Board for review.

*The Board reviewed the application and the Credential Review Committee's evaluation and directed Mr. Greenhalge to send Mr. Ellek a notice that his application is incomplete since he does not have four years of acceptable engineering experience indicating that he is competent to be placed in responsible charge of engineering as required per RC 4733.11.*

2. Lisa M. Myers- PE Exam Applicant

Ms. Myers does not have four years of engineering experience under the direction of a professional engineer. The Board's evaluator also questioned the quality of Ms. Myers' experience. Ms. Myers' application was referred to the Board for review.

*The Board reviewed the application and the Credential Review Committee's evaluation and directed Mr. Greenhalge to send Ms. Myers a notice that her application is incomplete since she does not have four years of acceptable engineering experience indicating that she is competent to be placed in responsible charge of engineering as required per RC 4733.11.*

3. Robert V. Kruppa- PE Exam Applicant

Mr. Kruppa does not have four years of engineering experience under the direction of a professional engineer. Mr. Kruppa's application was referred to the Board for review.

*The Board reviewed the application and the Credential Review Committee's evaluation and directed Mr. Greenhalge to send Mr. Kruppa a notice that his application is incomplete since he does not have four years of acceptable engineering experience indicating that he is competent to be placed in responsible charge of engineering as required per RC 4733.11.*

4. Robert R. Kopko- PE Exam Applicant

Mr. Kopko does not have four years of engineering experience under the direction of a professional engineer. Mr. Kopko's application was referred to the Board for review.

*The Board reviewed the application and the Credential Review Committee's evaluation and directed Mr. Greenhalge to send Mr. Kopko a notice that his application is incomplete since he does not have four years of acceptable engineering experience indicating that he is competent to be placed in responsible charge of engineering as required per RC 4733.11.*

5. Patrick M. Dougherty- PE Exam Applicant

Mr. Dougherty does not have four years of engineering experience under the direction of a professional engineer. Mr. Dougherty's application was referred to the Board for review.

*The Board reviewed the application and the Credential Review Committee's evaluation and directed Mr. Greenhalge to send Mr. Dougherty a notice that his application is incomplete since he does not have four years of acceptable engineering experience indicating that he is competent to be placed in responsible charge of engineering as required per RC 4733.11.*

6. David L. Smith- FS Exam Applicant

Mr. Smith is requesting credit for GEO 107 Intro to GIS I and GEO 207 Intro to GIS II from Sinclair Community College and SURV 242 Computer Applications in Surveying and SURV 140 Surveying and GPS from Columbus

State Community College to count as upper level surveying courses on the Surveying Courses Worksheet. Mr. Smith does not appear to have 8 quarter hours in boundary surveying as required.

*The Board reviewed Mr. Smith's application and coursework. The Board directed Mr. Greenhalge to send Mr. Smith a notice that his application is incomplete since he has only completed 6 quarter hours in boundary surveying coursework and 18 quarter hours total based on the information he provided.*

7. Elton K. Cooper- FS Exam Applicant

Mr. Cooper has reported several convictions on his application.

*The Board reviewed the information and directed Mr. Greenhalge to approve the application and add Mr. Cooper to the CRC report.*

8. John M. Thomas- Comity Applicant

An evaluation of Mr. Thomas's undergraduate degree in Mechanical Engineering from the University of Mysore by ECEI identified the following deficiencies: 4 semester credit hours in mathematics and basic sciences and 16 semester credit hours in humanities and social science. Mr. Thomas has completed fifteen credit hours in humanities and social science at Oakton Community College. He is requesting that the Board waive the deficiency in mathematics and basic science since he has exceeded the ABET requirement in engineering design by 52.5 semester hours.

*The Board reviewed the information and directed Mr. Greenhalge to approve the application and add Mr. Thomas to the CRC report.*

9. Roger A. Eaton- Comity Applicant

Based on the information Mr. Eaton provided in his application it appears that he took the *Principles and Practice of Engineering* examination 4 years 6 months after graduation, and according to the NCEES record only completed 4 years 8 months of engineering experience prior to examination.

Ohio Revised Code Section 4733.11 and Ohio Administrative Code section 4733-29-01 require graduates from a college curriculum in engineering technology to have eight years of practical experience in engineering work completed prior to taking the Principles and Practice of Engineering examination.

*The Board reviewed Mr. Eaton's application and additional information that he submitted. The Board directed Mr. Greenhalge to notify Mr. Eaton that his application is incomplete since he does not have eight years or more of practical experience completed before taking the PE examination pursuant to RC 4733.11 and AC 4733-29-01.*

10. Maze Design Inc.- C of A Applicant

As a result of a complaint Maze Design was notified that the firm needed to obtain a COA to provide engineering in Ohio. The firm's COA application listed a professional engineer who resides in Texas as the person in charge of engineering for the firm. Maze Design is located in Indiana. At its meeting on January 19, 2011 the Board requested the staff to obtain additional information. Duane Roland, P.E., Director of Engineering for Maze Design submitted additional information on January 25, 2011.

*David Inderstrod of Maze Design, Inc. was present. The Board directed Mr. Greenhalge to obtain additional information showing the number of hours Mr. Roland has worked for the firm. Mr. Greenhalge may approve the application once acceptable information is submitted.*

11. Daniel Tibbetts- Comity Applicant

Based on the information Mr. Tibbetts provided in his application it appears that he took the *Principles and Practice of Engineering* examination 4 years 9 months after graduation, and according to the NCEES record only completed 5 years 4 months of engineering experience prior to examination.

Ohio Revised Code Section 4733.11 and Ohio Administrative Code section 4733-29-01 require graduates from a college curriculum in engineering technology to have eight years of practical experience in engineering work completed prior to taking the Principles and Practice of Engineering examination.

*The Board reviewed Mr. Tibbetts' application and additional information that he submitted. The Board directed Mr. Greenhalge to notify Mr. Tibbetts that his application is incomplete since he does not have eight years or more of practical experience completed before taking the PE examination pursuant to RC 4733.11 and AC 4733-29-01.*

12. Richard A. Hall- Comity Applicant

Mr. Hall has applied for registration as a professional engineer in Ohio via comity with Florida. On his application Mr. Hall reported the following disciplinary actions:

- September 2008- Application denied in Louisiana due to prior disciplinary action
- April 2008- Received a reprimand, \$5,000 fine and required to serve six months probation after the South Carolina Board found that he had practiced without a license in South Carolina.
- June 2008- Received \$500.00 fine and ordered to pay the cost of the investigation after the Alabama Board found that Mr. Hall and his firm, Hall Planning and Engineering, Inc., offered and provided engineering services in Alabama without a license.

*The Board reviewed the information and directed Mr. Greenhalge to approve the application and add Mr. Hall to the CRC report. Mr. Greenhalge will follow up with a letter to Mr. Hall advising him of Ohio's registration act and the requirements to practice in Ohio.*

APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Reports of January 25, February 1, 8 and 15, 2011 were presented for review and approval by the Board.

***Motion by Mr. Mawhorr, second by Mr. Shah, to approve the January 25, February 1, 8 and 15, 2011 CRC reports. Motion carried.***

RATIFICATION OF REGISTRATIONS ISSUED

The Board reviewed the registrations issued since the last Board meeting. The names and registration numbers of all approved applicants since the last meeting were presented on paper and electronic media.

***Motion by Mr. Shah, second by Mr. Snyder, to approve the registrations issued since the last Board meeting. Motion carried.***

## EXECUTIVE DIRECTOR'S REPORT

Mr. Greenhalge presented his report to the Board.

Mr. Greenhalge gave an update on proposed legislation to exempt sewage treatment system designers and installers from RC 4733 and his meetings and discussions with interested parties. Ms. Jones and Ms. Gilpin also provided the Board with an update on their meetings with the Health Department and Representative Amstutz.

Mr. Greenhalge also reported that beginning March 1, 2011 the Board will begin tracking the time it takes to process applications as a way to measure performance.

## EXECUTIVE SESSION

***Motion by Mr. Shah, second by Mr. Mawhorr, to go into Executive Session pursuant to Ohio Revised Code, Section 121.22 (G) (1,3), to consider complaints against licensees or regulated individuals and to confer with Board counsel regarding pending litigation. Mr. Greenhalge recorded a roll call vote:***

***Roll call vote:***

***Mr. Snyder- Yes***  
***Mr. Mawhorr- Yes***  
***Mr. Hubbard - Yes***  
***Mr. Shah – Yes***  
***Mr. Swearingen- Yes***

***Motion carried. The Board entered into executive session at 10:42 a.m.***

Mr. Hubbard invited Mr. Greenhalge, Mr. Evans, Ms. Jones, Mr. McLean and Ms. Schick to attend the executive session. The executive session ended at 11:35 a.m.

## \*\*ACTIONS TAKEN AS A RESULT OF EXECUTIVE SESSION\*\*

### Unlicensed Individual (Registered Architect) Case No. 08-023

The Board received a complaint alleging that SUBJECT is providing electrical and mechanical engineering services to the public without a license. SUBJECT is a registered architect and stated in his response that the engineering that he performs is incidental to his architectural work that he provides to a restaurant chain. SUBJECT provides revised construction documents for the restaurant chain's prototype stores.

***Motion by Mr. Mawhorr, second by Mr. Snyder, to close the investigation. Motion carried.***

*The Board directed the staff to send SUBJECT a letter advising him of the requirements of RC 4733 and a warning about incidental practice.*

### Professional Engineer Case No. 11-014

On September 17, 2010 the Board received a complaint alleging that SUBJECT PE had prepared a report and made modifications to engineering drawings prepared by the complainant. The complainant claims that he was never contacted by SUBJECT PE or anyone at her firm requesting permission to modify the plans.

The Board reviewed the case at its January 16, 2011 meeting and requested additional information. Board Investigator Jason McLean requested the additional information and contacted the West Virginia Board since the project is located in West Virginia. West Virginia did not take any action in this matter.

*The Board reviewed the information and directed the Board to close the complaint.*

Professional Engineer                      Case No. 11-026

In October 2010 the Board received a complaint alleging that SUBJECT is providing engineering services in Ohio at a time that his PE registration is expired. In response to the complaint SUBJECT submitted a list of projects that he performed in Ohio. Some of the projects involved engineering.

***Motion by Mr. Mawhorr, second by Mr. Snyder, to open an investigation. Motion carried.***

Kerry Pickett, P.E.                      Case No. 10-034

On November 4, 2010 a hearing was held concerning SUBJECT's self-reported conviction for Identity Fraud. The hearing examiner's report and recommendation was received on January 7, 2011. The hearing examiner's report and recommendation was sent to SUBJECT for objections. SUBJECT's written objections were received on January 24, 2011.

The hearing examiner recommended that SUBJECT's PE registration be suspended for two years effective upon his release from prison, with two years stayed under the following conditions:

1. SUBJECT notifies the Board immediately upon his release from prison.
2. He will serve two years probation upon his release from prison where he cannot be convicted of any felonies or misdemeanors and not violate the terms of his post-release control imposed by Warren County Court of Common Pleas.
3. Pay a \$500.00 fine within 30 days of the issuance of the Board's final order.

***Motion by Mr. Snyder, second by Mr. Mawhorr, to accept the hearing examiner's findings of facts, conclusions of law and recommendation and issue a final order. Motion carried.***

Michael Dorsey                      Case No. 10-078

SUBJECT was selected for the continuing education audit for renewal periods 2008 and 2009. He did not respond to the audit and the 6 month continuing education audit notice was mailed. SUBJECT did not respond.

On June 8, 2010 the Board opened an investigation and charged SUBJECT with violations of ORC 4733.151 (G) and OAC 4733-35-09 for failing to respond to the Board's audit. Although SUBJECT had completed the continuing education, in order to avoid an administrative hearing SUBJECT agreed to enter into a settlement agreement wherein he agreed to pay a \$500.00 fine and accept a public reprimand.

***Motion by Mr. Snyder, second by Mr. Mawhorr, to accept the settlement agreement and close the investigation. Motion carried.***

Power Solutions Group                      Case No. 11-060

SUBJECT reported that the firm had offered engineering services while its certificate of authorization was expired. SUBJECT agreed to enter into a settlement agreement wherein the firm agreed to pay a \$2,500.00 fine and accept a public reprimand.

***Motion by Mr. Mawhorr, second by Mr. Snyder, to open an investigation, accept the settlement agreement, close the investigation and approve the certificate of authorization. Motion carried.***

Ronald Grolle Case No. 10-063

SUBJECT submitted an application to take the PS examination. In the experience section of the application SUBJECT reported that he owned a surveying firm and that he was providing construction staking services and other surveying services to the public. In order to avoid formal charges SUBJECT agreed to enter into a settlement agreement wherein he agreed to immediately cease and desist from offering surveying services to the public.

***Motion by Mr. Mawhorr, second by Mr. Snyder, to open an investigation, accept the settlement agreement and close the investigation. Motion carried.***

Stephen Bowman, P.S. Case No. 10-081

In April 2010 the Board received a complaint alleging that SUBJECT was practicing surveying while his PS registration was expired. The Board's investigation discovered that SUBJECT performed multiple surveys while his PS registration was expired. SUBJECT agreed to enter into a settlement agreement wherein he agreed to pay a \$1,500.00 fine and accept a public reprimand.

***Motion by Mr. Mawhorr, second by Mr. Snyder, to open an investigation, accept the settlement agreement and close the investigation. Motion carried.***

Technical Solutions Specialists Case No. 11-066

SUBJECT reported that the firm had offered engineering services while its certificate of authorization was expired. SUBJECT agreed to enter into a settlement agreement wherein the firm agreed to pay a \$1,500.00 fine and accept a public reprimand.

***Motion by Mr. Shah, second by Mr. Swearingen, to open an investigation, accept the settlement agreement, close the investigation and approve the certificate of authorization. Motion carried.***

Horizon Surveying, Inc. Case No. 11-059

SUBJECT reported that the firm had offered surveying services while its certificate of authorization was expired. SUBJECT agreed to enter into a settlement agreement wherein the firm agreed to pay a \$500.00 fine and accept a public reprimand.

***Motion by Mr. Shah, second by Mr. Swearingen, to open an investigation, accept the settlement agreement, close the investigation and approve the certificate of authorization. Motion carried.***

Unlicensed Firm Case No. 11-071

In February 2011 the Board received a complaint that SUBJECT is offering surveying services to the public at a time when they do not have a certificate of authorization. The firm is advertising the use of satellite and GPS to locate property boundaries in order to install pet fence systems.

*The Board directed the staff to contact SUBJECT and send a warning letter and notice that they musts cease and desist from offering surveying services.*

Jeffrey Uroseva No Case No.

Assistant Attorney General James Evans provided the Board with an update.

Jeffrey Uroseva has filed a Writ of Mandamus in Franklin County Common Pleas Court requesting the court to require the Board to conduct a hearing concerning Mr. Uroseva's latest application to take the PE examination.

Mr. Uroseva previously applied to take the PE examination in June 2008. The application was denied since Mr. Uroseva's experience was not acceptable to the Board. Mr. Uroseva requested a hearing. The Board adopted the hearing examiner's recommendation and issued an order denying Mr. Uroseva's application. Mr. Uroseva appealed the Board's order in Mahoning County Common Pleas Court but later voluntarily withdrew his appeal. This latest court action involves Mr. Uroseva's application for the October 2010 examination, which was incomplete and did not include any additional evidence of acceptable engineering experience.

Mr. Evans filed a response on behalf of the Board requesting dismissal. A copy of the request for dismissal is available as a pdf file.

\*\*END OF TOPICS DELIBERATED IN EXECUTIVE SESSION\*\*

#### NCEES BOARD PRESIDENTS ASSEMBLY

The NCEES Board President's Assembly was held on February 11-12, 2011 in Atlanta, Georgia. Mr. Greenhalge attended and provided a report to the Board.

#### NCEES CENTRAL ZONE MEETING

The NCEES Central Zone Interim meeting is scheduled for May 5-7, 2011 in Detroit, Michigan. Mr. Greenhalge will be designated as the Board's funded delegate.

#### CORRESPONDENCE

1. Letter from Bryan Hood requesting licensure in Ohio.

Bryan Hood passed the Principles and Practice of Engineering examination in Illinois. Subsequent to passing the exam the Illinois Board voided his score due to not meeting the requirements of the Act for licensure in Illinois. Mr. Hood stated that his score was voided because the Illinois Board determined that he needs additional course work. Mr. Hood is a graduate of Purdue University with a B.S. in Construction Engineering Technology. He passed the FE exam in April 2006 in Ohio. Mr. Hood is requesting that the Ohio Board recognize the PE exam score from Illinois and issue him a license.

After reviewing the information provided by Mr. Hood the Board determined that since Mr. Hood is not licensed in Illinois and did not take and pass the PE exam in Ohio he is not eligible for registration at this time.

2. Letter from Dr. Carolyn Merry of Ohio State University requesting Board approval for GS 608- Global Positioning Systems as an upper level course.

The Board reviewed the information submitted by Dr. Merry and directed Mr. Greenhalge to add GS 608- Global Positioning Systems to the approved surveying courses list as an upper level course.

3. Letter from Dr. Carolyn Merry of Ohio State University concerning Ohio State's Environmental Engineering degree.

At its meeting on January 16, 2011 the Board advised the Ohio State University that graduates of the Environmental Engineering program would be permitted to take the licensing exams once the program receives ABET accreditation. Dr. Merry submitted a letter from ABET dated January 28, 2010 confirming that ABET voted to continue accreditation of the Environmental Engineering program until September 2012.

***Motion by Mr. Mawhorr, second by Mr. Swearingen, to approve graduates of Ohio State University's Environmental Engineering program to take the licensing exams. Motion carried.***

***Motion by Mr. Mawhorr, second by Mr. Shah, to approve Daniel Havallo to take the Fundamentals of Engineering examination. Motion carried.***

#### NEW BUSINESS

1. Request from SpanTran of Houston, Texas for Board approval to provide transcript evaluations.

The Board evaluated the information submitted by SpanTran. Mr. Greenhalge pointed out that degree evaluations are no longer evaluated against the ABET criteria. Evaluations are based on the NCEES Engineering Education Standard that was developed by member boards. Currently NCEES Credentials Evaluations is approved to provide evaluations. Mr. Greenhalge also reported that SpanTran does not require transcripts directly from the universities and colleges and SpanTran evaluates transcripts based on the old ABET criteria. After reviewing the information the Board did not approve SpanTran as an approved evaluator.

#### OLD BUSINESS

None

#### PUBLIC RELATIONS

Mr. Snyder spoke at the PLSO annual meeting in Cleveland on February 10, 2011. Mr. Greenhalge is scheduled to speak at Ohio Northern University's surveyor's workshop on March 10, 2011. Mr. Greenhalge will also conduct two presentations for Duke Energy in Cincinnati on March 22, 2011- *Continuing Professional Development- What If I Get Audited?, Maintaining Your Professional Engineer or Professional Surveyor Registration and Code of Ethics and Improper Conduct- You Be the Judge!* On March 23, 2011 Mr. Greenhalge will give a presentation to the Miami Valley Chapter of PLSO- *Maintaining Your Professional Engineer or Professional Surveyor Registration.*

#### MARCH BOARD MEETING

The March meeting is scheduled for Wednesday March 16, 2011.

***Motion by Mr. Snyder, second by Mr. Swearingen, to cancel the March 2011 meeting. Motion carried.***

#### APRIL BOARD MEETING

The April meeting is scheduled for April 20, 2011.

#### ADJOURNMENT

The Board adjourned at 12:05 p.m.

These minutes were written on February 17, 2011 and approved by the Board on April 20, 2011.

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Theodore B. Hubbard, P.E., P.S.  
Board Chair

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James Mawhorr, P.E., P.S.  
Board Secretary

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John F. Greenhalge  
Executive Director