

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

Wednesday April 13, 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

CALL TO ORDER

The State Board of Registration for Professional Engineers and Surveyors held its regular meeting on Wednesday April 13, 2011 at 50 West Broad Street, Suite 1820, Columbus, Ohio 43215 in the Board conference room. Chairman Hubbard called the meeting to order at 9:30 a.m.

APPROVAL OF MINUTES

The minutes of the February 16, 2011 Board meeting were presented for approval.

***Motion by Mr. Shah, second by Mr. Mawhorr, to approve the February 16, 2011 meeting minutes.
Motion carried.***

RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Present at the meeting:

Holly Ross, Ohio Society of Professional Engineers
Melinda Gilpin, Professional Land Surveyors of Ohio
Robert Kruppa, Exam Applicant

DANA PARSELL, P.S.- 10:00 a.m.

Mr. Parsell requested to reschedule his meeting with the Board to the next meeting.

BOARD REVIEW OF APPLICATIONS

1. Robert V. Kruppa- PE Applicant

Mr. Kruppa's application to take the Principles and Practice of Engineering examination was reviewed by the Board at its meeting on February 16, 2011. After reviewing the application the Board determined that the application was

incomplete since Mr. Kruppa did 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. Mr. Kruppa did not have four years of experience under the direction of a professional engineer. Mr. Kruppa has sent the Board a letter requesting reevaluation.

Mr. Kruppa addressed the Board from 9:35 a.m. to 9:50 a.m. Mr. Kruppa provided additional information concerning his engineering experience and answered questions from the Board pertaining to his application.

2. Dan Albright

Mr. Albright is currently enrolled at Ohio State in the Geomatics Engineering program. Ohio State is eliminating the Geomatics Engineering program and the program will no longer be EAC/ABET accredited after the summer of 2012. Mr. Albright is enrolled part-time and will not graduate until winter 2013. Mr. Albright has requested advice from the Board concerning his degree options. Director Greenhalge has requested additional information from OSU concerning the availability of courses. When the information is received the matter will be placed on the agenda for discussion.

3. Howbert Surveying- Certificate of Authorization Applicant

Michael Howbert, P.S. has requested approval for a certificate of authorization to provide surveying services. Mr. Howbert is a full-time employee of the Allen County Engineer, but would like to start a part-time surveying business. Mr. Howbert is the only employee.

Motion by Mr. Snyder, second by Mr. Swearingen to approve the certificate of authorization. Motion carried.

4. Melvin Glass- Comity Applicant

Mr. Glass has submitted an application for registration as a professional engineer based on his registration in Texas. On his application Mr. Glass has disclosed disciplinary actions in Texas and Oklahoma.

Motion by Mr. Mawhorr, second by Mr. Shah, to approve Mr. Glass's application for registration. Motion carried.

Board staff will send a letter to Mr. Glass advising him that the violations that occurred in Texas and Oklahoma would constitute violations in Ohio and that he is charged with having knowledge of the rules and regulations governing the practice of engineering in Ohio.

APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Report of April 12, 2011 was presented for review and approval by the Board.

Motion by Mr. Swearingen, second by Mr. Snyder, to approve the April 12, 2011 CRC report. 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. Snyder, second by Mr. Shah, to approve the registrations issued since the last Board meeting. Motion carried.

EXECUTIVE DIRECTOR'S REPORT

The Executive Director reported that he presented testimony to the House Finance Transportation Subcommittee on March 24, 2011. The executive budget recommendation was \$934,264 for FY 2012 and \$921,778 for FY 2013. Although these amounts were less than requested the Office of Budget and Management advised the Board that the recommended budget will fully fund 8 FTEs as a result of cost savings that will be realized by the Board due to Senate Bill 5. The language to change from annual to biennial renewal was also included in the budget bill.

The Executive Director reported that SB 5 includes language to change board member per diem to an hourly rate to be established by the Director of the Department of Administrative Services.

The Executive Director reported that the Board's request to the Controlling Board was approved on April 11, 2011. The request included \$11,300 for the audit, \$3,500 for increased LAN connectivity charges and \$1,008 for increased shared services costs for processing travel reimbursements.

The Executive Director reported that he met with the Auditor's office on Tuesday April 12, 2011. The estimated length of the audit is 4 weeks and will begin next week. The estimated cost is \$11,022.

The Executive Director reminded board members that financial disclosures are due to the Ethics Commission by Friday April 15, 2011.

The Executive Director provided the following update on pending legislation affecting the Board:

H.B. 32

Sponsor testimony was presented on March 30, 2011. The next hearing will likely occur no sooner than May. Executive Director Greenhalge has offered an amendment to Representative Amstutz's office that would not eliminate the requirement that only a registered professional surveyor may establish or identify property lines.

H.B. 169

This bill will require that individual boards and commissions adopt rules to determine what criminal offenses are "substantially related" to an applicable profession, the committing of which offenses causes certain licenses, registrations, etc to be denied, revoked, suspended or not renewed.

If enacted the bill will change R.C. 4733.20 from "...any felony or crime involving moral turpitude." to "...a criminal offense that is substantially related to the practice of professional engineering or professional surveying."

This legislation was introduced in two separate bills last session. In the last session there was discussion about removing any state agency from the legislation if that agency offered hearings if a license was denied. Pursuant to R.C. 119 the Board must offer a hearing if a license or exam application is denied.

The Board directed Executive Director Greenhalge to provide opposition testimony.

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 10:45 a.m.

Mr. Hubbard invited Mr. Greenhalge and Ms. Jones to attend the first ten minutes of the executive session. Mr. McLean and Ms. Schick joined the executive session at 10:55 a.m. The executive session ended at 12:00 p.m.

ACTIONS TAKEN AS A RESULT OF EXECUTIVE SESSION

Motion by Mr. Shah, second by Mr. Snyder, to authorize the Executive Director to make editorial changes to the motions and minutes for the period beginning April 13, 2011 and ending on December 31, 2011. Motion carried.

Robert V. Kruppa- PE Applicant

Mr. Kruppa addressed the Board at the beginning of the meeting concerning his application to take the PE examination.

Motion by Mr. Mawhorr, second by Mr. Shah, to approve Mr. Kruppa's application to take the PE examination.

Unlicensed Individual Case No. 10-074

The Board received a complaint alleging that SUBJECT is listed as the City Engineer for a municipal engineering department. SUBJECT is not a registered professional engineer.

The Board reviewed the complaint and directed the staff to send a letter advising the individual of the requirements of R.C. 4733.

Unlicensed Individual Case No. 10-098

The Board received information indicating that SUBJECT was convicted of forgery, a felony of the fifth degree, for affixing a professional engineer's seal to engineering drawings without the professional engineer's knowledge or consent.

The Board directed the staff to consult with Assistant Attorney General Evans in order to determine whether or not to pursue additional criminal charges or civil action.

Professional Surveyor Case No. 11-030

The Board received a complaint alleging that SUBJECT PS violated the code of ethics based on her testimony at a court proceeding.

The Board reviewed the complaint, SUBJECT's response and the report of investigation and directed the staff to close the complaint due to no apparent violation.

Engineering & Surveying Firm Case No. 11-052

The Board received a complaint alleging that SUBJECT FIRM is operating in violation of R.C. 4733.16 because the firm does not have a full-time professional surveyor on staff and is not meeting the Minimum Standards for Boundary Surveys that the firm performs.

The Board reviewed the complaint, SUBJECT's response and the report of investigation and directed the staff to close the complaint due to no apparent violation.

Engineering Firm Case No. 11-086

The Board received a complaint alleging SUBJECT FIRM violated the code of ethics by obtaining design information prepared by another firm.

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

Professional Engineer Case No. 11-091

The Board received a complaint alleging SUBJECT violated the code of ethics by obtaining design information prepared by another firm.

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

Professional Surveyor Case No. 11-016

The Board received a complaint alleging that SUBJECT PS violated the Minimum Standards for Boundary Surveys. SUBJECT PS failed to cooperate during the Board's investigation of the complaint.

Motion by Mr. Mawhorr, second by Mr. Snyder, to open an investigation, accept the charges and issue a notice of opportunity for hearing. Motion carried.

Letitia A. Zurawick, P.E. Case No. 11-051

SUBJECT PE was randomly selected for the Board's continuing professional development audit. SUBJECT PE failed to provide documentation in accordance with R.C. 4733.151. SUBJECT PE agreed to enter into a settlement agreement wherein she agreed to pay a \$250 fine and accept a formal reprimand.

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

Lawrence Fisher, P.E. Case No. 11-038

On November 9, 2010 SUBJECT PE reported on his annual renewal application that he voluntarily surrendered his Arkansas PE registration at a time when he was under investigation by the Arkansas Board for violations of the Arkansas practice act. SUBJECT PE surrendered the license in lieu of disciplinary action by the Arkansas Board. SUBJECT PE agreed to enter into a settlement agreement wherein he surrendered his Ohio registration until his registration is reinstated and in good standing in Arkansas.

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

James E. Welp, P.E. Case No. 11-048

SUBJECT PE was randomly selected for the Board's continuing professional development audit. SUBJECT PE failed to respond to the audit. On January 19, 2011 charges were filed with the Board's Secretary for violating R.C. 4733.151 based on SUBJECT PE's failure to respond to the audit. SUBJECT PE did not request a hearing.

Motion by Mr. Mawhorr, second by Mr. Shah, to issue a final order revoking SUBJECT's PE registration for failing to provide evidence of completion of the CPD requirement pursuant to R.C. 4733.151. Motion carried.

Edward A. DeTullio, P.E. Case No. 11-050

SUBJECT PE was randomly selected for the Board's continuing professional development audit. SUBJECT PE failed to respond to the audit. On January 19, 2011 charges were filed with the Board's Secretary for violating R.C. 4733.151 based on SUBJECT PE's failure to respond to the audit. SUBJECT PE did not request a hearing.

Motion by Mr. Mawhorr, second by Mr. Shah, to issue a final order revoking SUBJECT's PE registration for failing to provide evidence of completion of the CPD requirement pursuant to R.C. 4733.151. 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.

At its meeting on February 16, 2011 the Board issued a final order. SUBJECT PE did not appeal the Board's final order.

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

Engineering Firm Case No. 10-035

The Board received a complaint alleging that SUBJECT FIRM engaged in unlawful and unethical conduct.

The Board reviewed the complaint, SUBJECT's response and the report of investigation and directed the staff to close the complaint due to no apparent violation.

Professional Engineer/Surveyor Case No. 11-073

The Board received a complaint alleging that SUBJECT PE/PS violated the Minimum Standards for Boundary Surveys.

The Board reviewed the complaint, SUBJECT's response and the report of investigation and directed the staff to close the complaint due to no apparent violation.

FE Examinee Case No. 11-090

SUBJECT admitted to cheating on the Fundamentals of Engineering examination on Saturday April 9, 2011.

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

Professional Surveyor Case No. 11-079

SUBJECT PS was randomly selected for the Board's continuing professional development audit. SUBJECT PS contacted the Board and reported that he did not complete the CPD requirement prior to renewing his registration for 2011. SUBJECT PS agreed to enter into a settlement agreement wherein he agreed to pay a \$2,000 fine and accept a formal reprimand.

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

END OF TOPICS DELIBERATED IN EXECUTIVE SESSION

EXAMINATIONS

The Board received 1,561 exam applications for the April 2011 examinations. The breakdown of approvals is:

Exam	Ohio Approved	Registered with NCEES
Fundamentals of Engineering (FE)	1102	910
Fundamentals of Surveying (FS)	35	31
Principles and Practice of Engineering (PE)	359	304
Principles and Practice of Surveying (PS)	25	25
Totals	1521	1270

The April exams were held on Friday April 8 and Saturday April 9, 2011.

OHIO PROFESSIONAL SURVEYOR EXAM WORKSHOP

The Ohio Professional Surveyor Exam workshop was scheduled for Saturday April 30, 2011 at the Marriott Hotel in Dublin, Ohio. It has been rescheduled to May 14, 2011.

NCEES CENTRAL ZONE MEETING

The NCEES Central Zone Interim meeting is scheduled for May 5-7, 2011 in Detroit, Michigan. Mr. Hubbard, Mr. Snyder, Mr. Greenhalge and Ms. Jones are scheduled to attend.

NCEES ANNUAL MEETING

The NCEES Annual Business Meeting will be held August 24-27, 2011 in Providence, Rhode Island. Registration material should arrive in June.

CORRESPONDENCE

1. Letter from Preble County Engineer J. Stephen Simmons, P.E., P.S. requesting CPD credit for meeting conducted by CEO.

The Board directed Executive Director Greenhalge to advise Mr. Simmons that the Board does not pre-approve individual CPD programs.

2. Letter from PSMJ Resources inquiring as to whether or not the Board would grant CPD credit to individuals who read their monthly newsletter and pass a test on project management based on the newsletter article.

The Board reviewed the information and determined that R.C. 4733.151 does not permit this type of delivery or credit for CPD credit.

NEW BUSINESS

None discussed.

OLD BUSINESS

None Discussed.

PUBLIC RELATIONS

Mr. Snyder and Mr. Hubbard presented a Board update at the PLSO annual meeting in Cleveland on February 10, 2011. Mr. Greenhalge spoke at Ohio Northern University's surveyor's workshop on March 10, 2011 on maintaining one's professional registration. Mr. Greenhalge also conducted a four hour presentation 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 gave a presentation to the Miami Valley Chapter of PLSO- *Maintaining Your Professional Engineer or Professional Surveyor Registration.*

Mr. Greenhalge is scheduled to conduct the presentation *Code of Ethics and Improper Conduct- You Be the Judge!* to the Dayton Chapter of ASCE on April 14, 2011 and at the OSPE conference on May 21, 2011. Mr. Mawhorr and Mr. Greenhalge will lead a panel discussion on Board consolidation efforts at OSPE's legislative day on May 10, 2011.

The spring certificate ceremony was held in the Statehouse atrium on March 19, 2011. Mr. Hubbard spoke to the new registrants.

MAY BOARD MEETING

The May meeting was scheduled for Wednesday May 18, 2011.

Motion by Mr. Shah, second by Mr. Snyder, to cancel the May meeting. Motion carried.

JUNE BOARD MEETING

The June meeting is scheduled for June 15, 2011.

ADJOURNMENT

The Board adjourned at 12:25 p.m.

These minutes were written on April 18, 2011 and approved by the Board on June 15, 2011.

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

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

John F. Greenhalge
Executive Director