

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

Wednesday June 15, 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 June 15, 2011 at 50 West Broad Street, Suite 1820, Columbus, Ohio 43215 in the Board conference room. Chairman Hubbard called the meeting to order at 9:32 a.m.

APPROVAL OF MINUTES

The minutes of the April 20, 2011 Board meeting were presented for approval.

*Motion by Mr. Mawhorr, second by Mr. Swearingen, to approve the April 20, 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
Don Mader, American Council of Engineering Companies of Ohio (present from 11:50 a.m. to 12:28 p.m.)

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

Dana Parsell, P.S. is requesting approval to take the Fundamentals of Engineering (FE) examination based on his graduation from Ohio State University with a Bachelor of Science in Surveying. Graduates of this program were once Board approved to take the engineering examinations under the twelve year rule. The law has changed and graduates of related sciences are no longer eligible for examination. Mr. Parsell had his degree evaluated by NCEES Credentials Evaluations. NCEES has indicated that the degree does not meet the equivalent of an EAC/ABET accredited program; however, it does exceed what would be equivalent to a TAC/ABET accredited degree. The Board reviewed Mr. Parsell's application and the evaluation.

The Board directed Mr. Greenhalge to contact NCEES and verify that the degree exceeds a four year TAC/ABET engineering technology degree. If the degree exceeds a four year TAC/ABET engineering technology degree Mr. Parsell will be permitted to take the FE examination.

BOARD REVIEW OF APPLICATIONS

1. Charles F. Hammontree, P.E., P.S.

Mr. Hammontree has sent the Board a letter requesting authorization to be listed as the person in responsible charge of engineering for Hammontree and Associates, Ltd. and in charge of surveying for Morris Knowles and Associates, Inc. Morris Knowles and Associates, Inc. is a wholly owned subsidiary of Hammontree and Associates, Ltd. Mr. Hammontree serves as CEO of both firms.

Motion by Mr. Snyder, second by Mr. Mawhorr, to approve Hammontree and Associates, certificate of authorization to provide engineering and surveying. Motion carried.

The Board reviewed Mr. Hammontree's letter and directed the staff to advise Mr. Hammontree that when Morris Knowles and Associates, Ltd. applies for a certificate of authorization to provide surveying in Ohio they must designate an Ohio registered professional surveyor that works out of the Pennsylvania office as the person in responsible charge of surveying for Morris Knowles.

2. Joseph M. Fusillo- Comity Applicant

Mr. Fusillo is requesting a re-evaluation of his application for registration as a professional engineer. Mr. Fusillo has submitted additional work experience.

Motion by Mr. Shah, second by Mr. Snyder, to deny Mr. Fusillo's application for registration since he did not complete eight years of experience acceptable to the Board after graduation and prior to taking the PE examination as required pursuant to Ohio Revised Code Section 4733.11 (2)(a)(b) and Ohio Administrative Code section 4733-29-01 and issue a notice of opportunity for hearing. Motion carried.

3. Jonathan T. Lincoln- Comity Applicant

Mr. Lincoln is requesting a re-evaluation of his application for registration as a professional engineer. Mr. Lincoln has submitted additional work experience.

Motion by Mr. Shah, second by Mr. Snyder, to deny Mr. Lincoln's application for registration since he did not complete eight years of experience acceptable to the Board after graduation and prior to taking the PE examination as required pursuant to Ohio Revised Code Section 4733.11 (2)(a)(b) and Ohio Administrative Code section 4733-29-01 and issue a notice of opportunity for hearing. Motion carried.

4. Bryan Lee Hood- Comity Applicant

Mr. Hood has applied for registration as a professional engineer in Ohio. Mr. Hood passed the PE examination in Illinois in October 2010, but his exam score was invalidated after it was discovered by the Illinois Board that he had an engineering technology degree, which is not recognized in Illinois. Mr. Hood is currently registered in North Carolina.

Motion by Mr. Shah, second by Mr. Mawhorr, to approve Mr. Hood's application for registration as a professional engineer. Motion carried.

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

Richard A. Schlarman- Examinee Case No. 11-090

During the April 2011 exams Schlarman was observed by Board staff looking at another examinees' answer sheet on multiple occasions. After the exam Schlarman was interviewed by the Board's investigator and admitted to cheating on the exam.

Schlarman entered into a settlement agreement with the Board wherein he agreed that he would be prohibited from taking any NCEES exam in Ohio or any other jurisdiction for a period of one year.

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

Red Plains Surveying Company Case No. 11-058

The Board received a complaint alleging that Red Plains Surveying Company was providing surveying services in Ohio at a time when they did not have a certificate of authorization to provide surveying services in Ohio. The professional surveyor that sealed the plats prepared by Red Plains Surveying was not a full-time employee of the firm, he was a paid consultant.

Red Plains Surveying entered into a settlement agreement wherein the firm agreed to pay a \$2,500 fine and discontinue offering or providing surveying in Ohio until the firm is granted a certificate of authorization.

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

Gary Elliott, P.S. Case No. 11-095

The Board received a complaint alleging that an unlicensed firm identified as Red Plains Surveying Company was providing surveying services in Ohio at a time when they did not have a certificate of authorization to provide surveying services in Ohio. Elliott, who acted as a paid consultant and was not an employee of the firm, sealed the plats prepared by Red Plains Surveying.

Elliott agreed to enter into a settlement agreement wherein he agreed to pay a \$500 fine and accept a formal reprimand.

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

Sara L. Sowers, P.E. Case No. 11-093

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

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

Edward C. Rohr, P.E. Case No. 11-049

Rohr was randomly selected for the Board's continuing professional development audit. Rohr contacted the Board and reported that he did not complete the CPD requirement prior to renewing his registration for 2011. Rohr offered to enter into a settlement agreement wherein he voluntarily surrendered his professional engineer registration.

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

David B. Morgan, P.E. Case No. 11-083

Morgan was randomly selected for the Board's continuing professional development audit. Morgan contacted the Board and reported that he did not complete the CPD requirement prior to renewing his registration for 2011. Morgan offered to enter into a settlement agreement wherein he voluntarily surrendered his professional engineer registration.

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

John F. Germ, P.E. Case No. 11-085

Germ voluntarily surrendered his professional engineer registration in Oklahoma in order to avoid disciplinary action by the Oklahoma Board involving an allegation of aiding and assisting an unlicensed firm in offering or providing engineering services without a certificate of authorization.

Germ agreed to enter into a settlement agreement wherein he voluntarily surrendered his Ohio professional engineer registration. Germ would be eligible for reinstatement of his Ohio registration once his registration is restored in Oklahoma.

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

Roy L. Brown, P.E. Case No. 11-084

Brown voluntarily surrendered his professional engineer registration in Kentucky in order to avoid disciplinary action by the Kentucky Board for affixing his seal and signature to HVAC drawings prepared by an unlicensed firm and contained errors and omissions of the acceptable standards of practice for engineering.

Brown agreed to enter into a settlement agreement wherein he voluntarily surrendered his Ohio professional engineer registration. Brown would be eligible for reinstatement of his Ohio registration once his registration is restored in Kentucky.

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

Ronald Booth, P.E. Case No. 11-061

Booth was randomly selected for the Board's continuing professional development audit. Booth failed to provide documentation in accordance with R.C. 4733.151. Booth agreed to enter into a settlement agreement wherein he agreed to pay a \$500 fine and accept a formal reprimand.

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

William R. Yoakum, P.E., P.S. Case No. 10-012

On November 18, 2010 the Board charged Yoakum with violations of R.C. 4733.20 (A)(1) and (5) and A.C. sections 4733-19-01 and 4733-35-08 based on the revocation of his professional engineer license in Kentucky and failing to report the revocation to the Ohio Board within 30 days. A hearing was held on February 25, 2011 and the Hearing Examiner found Yoakam guilty of violating R.C. 4733.20 (A)(1) and (5) and A.C. sections 4733-19-01 and 4733-35-08.

Motion by Mr. Mawhorr, second by Mr. Snyder, to adopt the Hearing Examiner's Findings of Fact, Conclusions of Law and Recommendation and issue a Final Order suspending William R. Yoakam's professional engineer and professional surveyor registrations for two months and order him to pay a \$1,000 fine within 30 days. Motion carried.

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

Welp was randomly selected for the Board's continuing professional development audit. Welp 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 Welp's failure to respond to the audit. Welp did not request a hearing. At its meeting on April 13, 2011 the Board issued a final order revoking Welp's PE registration for failing to provide evidence that he completed the CPD requirement. Mr. Welp did not appeal the Board's order.

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

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

DeTullio was randomly selected for the Board's continuing professional development audit. DeTullio 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 DeTullio's failure to respond to the audit. DeTullio did not request a hearing. At its meeting on April 13, 2011 the Board issued a final order revoking DeTullio's PE registration for failing to provide evidence that he completed the CPD requirement. Mr. DeTullio did not appeal the Board's order.

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

Kramer & Associates Certificate of Authorization Application

Kramer & Associates has submitted a certificate of authorization renewal application to provide engineering and surveying in Ohio. It has come to the Board's attention that the professional engineer listed as full-time and in responsible charge of engineering for the firm is not employed full-time at the firm. The Board reviewed the application.

Motion by Mr. Mawhorr, second by Mr. Shah, to approve Kramer and Associates certificate of authorization to provide surveying services. Motion carried.

Motion by Mr. Mawhorr, second by Mr. Swearingen, to deny Kramer and Associates certificate of authorization to provide engineering services. Motion carried.

END OF TOPICS DELIBERATED IN EXECUTIVE SESSION

FY 2012 PERSONAL SERVICE CONTRACTS

Mr. Greenhalge requested Board approval for the following personal service contracts for FY 2012:

Examination Consultant

Test, Inc. \$15,000

Hearing Examiners

1. Blaugrund, Herbert & Martin (Marc Myers) \$2,650

Expert Panel

1. D. Bruce Larcomb, P.E., P.S. \$3,000
2. William E. Norris, P.E. \$3,000
3. David L. Cox, P.S. \$1,000
4. Bradley J. Kramer, P.S. \$2,000

Motion by Mr. Snyder, second by Mr. Mawhorr, to approve the personal service contracts requested by Mr. Greenhalge and listed above. Motion carried.

EXAMINATIONS

Ohio Professional Surveyor Exam Workshop

The Ohio Professional Surveyor Exam workshop was held on Saturday May 14, 2011 at the Marriott Hotel in Dublin, Ohio. Mr. Greenhalge distributed the summary report prepared by Test, Inc. for the April 2011 PS examinations.

Mr. Greenhalge discussed with the Board the need to develop procedures and policies for the development of the Ohio PS examination and establishing criteria for selecting subject matter experts to assist in exam question writing. The Board concurred that policies need to be developed and Mr. Greenhalge will begin drafting policies and procedures for Board review and approval.

NCEES CENTRAL ZONE MEETING

The NCEES Central Zone Interim meeting was held on May 5-7, 2011 in Detroit, Michigan. Mr. Hubbard, Mr. Snyder, Mr. Greenhalge and Ms. Jones attended.

Mr. Hubbard reported that the NCEES Alternative Licensure Pathway (ALP) Task Force is proposing a plan for structured mentoring as an alternative pathway to licensure and an alternative to the NCEES Masters or Equivalent model law. The structured mentoring concept will require six years of progressive experience and course work under the guidance of a certified mentor. Mr. Hubbard expressed concern for how these additional requirements for licensure will impact the number of individuals choosing the profession of engineering when they enter college as well as the negative impact on dual licensure and consulting firms.

Mr. Greenhalge reported that computer based testing is scheduled for implementation after the October 2013 exam administration for the fundamentals of engineering and surveying exams. The NCEES Computer-Based Testing Task Force is developing a comprehensive plan and timetable for conversion. There will be additional information available at the annual meeting. Mr. Greenhalge reported that the Board staff has recently completed a review of the Board's

laws and rules to reflect the move to computer based testing. A recommendation will be presented to the Board in the upcoming months.

NCEES ANNUAL MEETING

The NCEES Annual Business Meeting will be held August 24 – 27, 2011 in Providence, Rhode Island. Registration material was e-mailed to members by NCEES. Registration is due by July 1, 2011.

Mr. Hubbard, Mr. Snyder, Mr. Greenhalge and Ms. Jones will attend. Mr. Snyder was designated as the Board's funded delegate.

DON MADER- AMERICAN COUNCIL OF ENGINEERING COMPANIES OF OHIO

Mr. Mader addressed the Board from 11:50 a.m. to 12:10 p.m. concerning an issue that was raised by one of his members. The issue is whether or not it is permissible for A/E firms to provide upfront services at no cost with the understanding that if funds become available, for instance a bond passing for a school district, the firm that provided the upfront services would be retained for the contract to design the school.

The Board discussed the issue and directed Mr. Greenhalge to contact the Ethics Commission for their input and work with Mr. Mader and Amy Kobe of the Architect's Board to research the issue so that the Board could prepare guidance for Ohio's professional engineers.

CORRESPONDENCE

1. Letter from John Collier, P.E. requesting Continuing Professional Development (CPD) credit for preparation of vocational course.

The Board reviewed Mr. Collier's request and determined that the activity does not qualify for CPD credit. The staff will notify Mr. Collier of the Board's decision.

2. Letter from Timothy S. Foster requesting exemption from R.C. 4733.11 (A)(2)(a)(b) and O.A.C. 4733-29-01 requiring that engineering experience be completed before taking the Principles and Practice of Engineering examination.

The Board reviewed Mr. Foster's request and directed Mr. Greenhalge to advise him that Ohio Revised Code Section 4733.11 (2)(a)(b) and Ohio Administrative Code section 4733-29-01 require graduates of a TAC/ABET accredited technology program to complete 8 years of engineering experience prior to taking the PE examination.

3. E-mail from Stephen Tricamo

The Board reviewed Mr. Tricamo's request and directed Mr. Greenhalge to advise Mr. Tricamo that the Board contracts with NCEES to provide and administer the examinations and that questions on policies and procedures, and request for disability accommodations must be directed to NCEES.

NEW BUSINESS

None discussed.

OLD BUSINESS

None discussed.

PUBLIC RELATIONS

Mr. Mawhorr and Mr. Greenhalge participated in a panel discussion on Board consolidation efforts at OSPE's legislative day on May 10, 2011. Mr. Greenhalge conducted the presentation *Code of Ethics and Improper Conduct- You Be the Judge!* at the OSPE annual conference on May 21, 2011.

Mr. Greenhalge will conduct a presentation on the Board's operations and continuing education to the State Architect's office on June 27, 2011.

JULY BOARD MEETING

The July meeting is scheduled for Wednesday July 20, 2011.

AUGUST BOARD MEETING

The August meeting was rescheduled for August 18, 2011. Beginning in August 2011 future Board meetings will return to Thursdays.

ADJOURNMENT

The Board adjourned at 12:28 p.m.

These minutes were written on June 16, 2011 and approved by the Board on July 20, 2011.

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

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

John F. Greenhalge
Executive Director