

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

Wednesday July 20, 2011

Members Present:

Theodore B. Hubbard, P.E., P.S.	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
James M. Evans	Assistant Attorney General
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 July 20, 2011 at 50 West Broad Street, Suite 1820, Columbus, Ohio 43215 in the Board conference room. Chairman Hubbard called the meeting to order at 9:35 a.m.

APPROVAL OF MINUTES

The minutes of the June 15, 2011 Board meeting were presented for approval.

***Motion by Mr. Mawhorr, second by Mr. Swearingen, to approve the June 15, 2011 meeting minutes as amended. Motion carried.***

RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Present at the meeting:

Holly Ross, Ohio Society of Professional Engineers  
Nils Nilsson, P.E., Ohio Society of Professional Engineers

NILS NILSSON- OHIO SOCIETY OF PROFESSIONAL ENGINEERS

Mr. Nilsson is a member of the Ohio Society of Professional Engineers' Mahoning Valley Chapter and gave the Board an update on the effort to introduce legislation to require licensure of engineering faculty. Last year the chapter discussed introducing legislation to require registration as a professional engineer for faculty that teach advanced engineering courses at colleges and universities in Ohio and drafted proposed legislation. The legislation was introduced somewhat unexpectedly and subsequently was not passed.

Mr. Nilsson has been working with Dean Dennis Irwin of Ohio University to modify the proposed legislation in order to obtain support from the Ohio Dean's council. Mr. Nilsson will be presenting the proposed legislation to the OSPE

Board in September. Dean Irwin will also be presenting the proposed legislation to the Dean's Council soon. Mr. Nilsson would like comments from the Board and would like to work with the Board to get the legislation passed.

### BOARD REVIEW OF APPLICATIONS

1. American Land Surveyors, Inc.- Certificate of Authorization Application

American Land Surveyors, Inc. is applying for reinstatement of their Certificate of Authorization to practice surveying which expired in July 2007. During the review of the application it was discovered that the firm has performed 216 surveys while the COA was expired.

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

2. Vance Surveying, Ltd.- Certificate of Authorization Application

Vance Surveying, Ltd. is applying for a Certificate of Authorization to practice surveying. During the review of the application it was discovered that the firm has been in business and registered with the Ohio Secretary of State since 2000. The firm's owner Belynda Vance has sent the Board a letter stating that the firm has only actively practiced since July 1, 2011. The firm included a list of four projects that they have completed since July 1, 2011.

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

3. John P. Picuri- PS Exam Applicant

The Board reviewed Mr. Picuri's application. The application is incomplete. Mr. Picuri is able to document acceptable surveying experience of 13.5 months from 6/97 to 12/01 and 22.5 months experience from 11/03 to 4/11 while employed by the Trumbull County Engineer. Mr. Picuri is short of the four year experience requirement.

4. Todd A. Coss- PS Exam Applicant

The Board reviewed Mr. Coss's application. The application is incomplete. Mr. Coss appears to have earned the following surveying experience credit:

17 weeks in 2004  
17 weeks in 2005  
52 weeks in 2006  
52 weeks in 2007

Mr. Coss has attained 138 weeks of acceptable surveying experience. Mr. Coss is short of the four year experience requirement.

5. Jason A. Young- PS Exam Applicant

The Board reviewed Mr. Young's application. The application is incomplete.

*The Board directed Mr. Greenhalge to get confirmation of Mr. Young's employment with Lowell A. Young, P.S. and more information and verification from a professional surveyor concerning his listed experience with the Ohio Department of Transportation.*

6. Ryan D. Hillard- PS Exam Applicant

The Board reviewed Mr. Hillard's application.

*The Board approved Mr. Hillard's application and directed Mr. Greenhalge to place Mr. Hillard on the next CRC.*

7. Joshua D. Booher- PS Exam Applicant

The Board reviewed Mr. Booher's application. The application is incomplete. Mr. Booher does not list four years of surveying experience on his application.

*The Board directed Mr. Greenhalge to request additional information and verification of employment.*

8. Amanda S. Buser- PS Exam Applicant

The Board reviewed Ms. Buser's application. The application is incomplete.

*The Board directed Mr. Greenhalge to request additional information and verification of employment.*

9. Jeffrey S. Uroseva- PE Exam Applicant

The Board reviewed Mr. Uroseva's application. The application is incomplete. The application submitted by Mr. Uroseva does not contain additional material information concerning his experience than has already been submitted in his four previous applications. The Board has directed Mr. Uroseva that acceptable engineering experience must be obtained under the direction of a professional engineer and is based on a 40 hour per week full-time basis.

*The Board directed Mr. Greenhalge to send Mr. Uroseva another letter advising him that his application is incomplete.*

10. Amal A. Mohi- PE Exam Applicant

The Board reviewed Ms. Mohi's application.

*The Board directed Mr. Greenhalge to verify Ms. Mohi's experience and if it meets the Board's requirements, place her application on the next CRC for approval.*

11. Robert R. Kopko- PE Exam Applicant

The Board reviewed Mr. Kopko's application. The application is incomplete. It appears that Mr. Kopko has listed engineering experience that was not supervised by a professional engineer.

*The Board directed Mr. Greenhalge to request additional information for the experience listed with the Carrier Corporation. Mr. Greenhalge will also advise Mr. Kopko that it appears his firm is offering and providing engineering services in violation of the registration act.*

12. Thomas L. Dietrich- PE Exam Applicant

The Board reviewed Mr. Dietrich's application. The application is incomplete. Mr. Dietrich has a B.S. in Environmental Studies and a M.S. in Food, Agricultural and Biological Engineering, which was obtained in June 2009.

It appears that Mr. Dietrich has obtained 2 years of engineering experience after graduation in June 2009. Credit cannot be granted for experience prior to graduation since it does not meet the requirements of R.C. 4733.11 and he was not enrolled in an EAC/ABET accredited engineering program.

## APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Reports of July 12 and 19, 2011 was presented for review and approval by the Board.

***Motion by Mr. Snyder, second by Mr. Mawhorr, to approve the July 12 and 19, 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. Snyder, second by Mr. Mawhorr, to approve the registrations issued since the last Board meeting. Motion carried.***

## EXECUTIVE DIRECTOR'S REPORT

Executive Director Greenhalge reported that he was invited to attend the Architect's Board meeting on Friday July 22, 2011 to discuss contingency contracts and incidental practice. Don Mader of ACEC Ohio will also attend.

Mr. Greenhalge reported that the staff viewed a webinar presented by NCEES concerning the move to computer based testing (CBT) for the fundamentals examinations. Mr. Greenhalge and the staff are preparing draft changes to the laws and rules based on the expected policy and procedural changes that will result. Mr. Greenhalge also distributed a draft rule addressing exam cheating and irregularities to be introduced with the CBT rules.

Mr. Greenhalge distributed the end of the year financial statement for FY 2011 and the budget allotments for FY 2012. Mr. Greenhalge reported that the Board will save approximately \$14,000 over the next year due to IT configuration changes and producing the registration certificates in-house.

Mr. Greenhalge distributed the June performance measures and a recommendation to change the comity application approval process for discussion at a later meeting. The recommended change will likely enable the Board to approve most comity applications within one week.

Following the meeting Mr. Greenhalge will forward to Mr. Mawhorr the paperwork and previous evaluation required for Mr. Greenhalge's annual performance review.

## REVIEW OF THE BOARD'S POLICY HANDBOOK

At the June meeting Mr. Greenhalge distributed a draft of the updated Board policy handbook. The policy handbook was updated to reflect changes to state policy by the new administration and to reflect changes in the Board's operations. The Board reviewed the policy handbook and suggested a few grammatical changes and changed the reinstatement policy to reflect the move to biennial renewal in 2012.

***Motion by Mr. Snyder, second by Mr. Mawhorr, to approve the policy handbook. Motion carried.***

## 2012 BOARD MEETING SCHEDULE

Mr. Greenhalge presented for Board approval the dates for the 2012 Board meetings.

Board meeting dates are scheduled on the third Thursday of the month.

JANUARY 19	BOARD MEETING
FEBRUARY 16	BOARD MEETING
MARCH 15	BOARD MEETING
MAY 17-19	NCEES CENTRAL ZONE MEETING (Jackson Hole WY)
MAY 17	BOARD MEETING
JULY 19	BOARD MEETING
AUGUST 16	BOARD MEETING
AUGUST 22-25	NCEES ANNUAL MEETING (St. Louis MO)
OCTOBER 18	BOARD MEETING
NOVEMBER 15	BOARD MEETING

*Note: There are no meetings scheduled in April, June, September or December.*

***Motion by Mr. Swearingen, second by Mr. Mawhorr, to approve the 2012 Board meeting schedule. Motion carried.***

#### SCHEDULE FOR APRIL 2012 EXAMINATIONS

Mr. Greenhalge presented for Board approval the schedule for the engineering and surveying examinations to be administered by NCEES Exam Administration Services on April 13 and 14, 2012.

DECEMBER 7, 14, 21, 28, 2011	CRC
DECEMBER 16, 2011	APPLICATION DEADLINE (OH BOARD)
JANUARY 16, 2012	DEADLINE FOR RE-EXAMS AND STUDENTS
JANUARY 4, 11, 18, 25, 2012	CRC
FEBRUARY 1, 8, 15, 2012	CRC
FEBRUARY 24, 2011	NCEES DEADLINE ( <i>Tentative</i> )

***Motion by Mr. Mawhorr, second by Mr. Swearingen, to approve the April 2012 exam schedule. Motion carried.***

#### EXECUTIVE SESSION

***Motion by Mr. Mawhorr, second by Mr. Swearingen, to go into Executive Session pursuant to Ohio Revised Code Section 121.22(G)(1) and (3) to consider the appointment, employment, dismissal, promotion, demotion or compensation of a public employee or official, to consider the investigation of complaints against licensees or regulated individuals, and to confer with Board counsel regarding pending or possible litigation. Mr. Greenhalge recorded a roll call vote:***

***Roll call vote:***

***Mr. Snyder- Yes***

***Mr. Mawhorr- Yes***

***Mr. Hubbard - Yes***

***Mr. Swearingen- Yes***

***Motion carried. The Board entered into executive session at 12:24 p.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 1:45 p.m.

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

Professional Engineer Case No. 09-076

The Board received a complaint alleging that SUBJECT violated the code of ethics by copying design files as he was preparing to leave the firm and later accessing additional design files from his former employer's secure website by using an old user name and user ID without permission. The complainant alleges that the information obtained by SUBJECT was used by his current employer to prepare renderings in an attempt to procure work from the Ohio Department of Transportation.

***Motion by Mr. Mawhorr, second by Mr. Snyder, to accept the charges filed by the Board's investigator and issue a Charge and Notice of Opportunity for Hearing. Motion carried.***

Professional Engineer/Professional Surveyor Case No. 11-086

The Board received a complaint alleging that a professional engineer working for SUBJECT violated the code of ethics by copying design files as he was preparing to leave the firm and later accessing additional design files from his former employer's secure website by using an old user name and user ID without permission. The complainant alleges that the information obtained by the former employee was used by his current employer to prepare renderings in an attempt to procure work from the Ohio Department of Transportation.

***Motion by Mr. Mawhorr, second by Mr. Snyder, to accept the charges filed by the Board's investigator and issue a Charge and Notice of Opportunity for Hearing. Motion carried.***

Registered Firm Case No. 11-091

The Board received a complaint alleging that a professional engineer working for SUBJECT FIRM violated the code of ethics by copying design files as he was preparing to leave the firm and later accessing additional design files from his former employer's secure website by using an old user name and user ID without permission. The complainant alleges that the information obtained by the former employee was used by SUBJECT FIRM to prepare renderings in an attempt to procure work from the Ohio Department of Transportation.

***Motion by Mr. Mawhorr, second by Mr. Snyder, to accept the charges filed by the Board's investigator and issue a Charge and Notice of Opportunity for Hearing. Motion carried.***

County Auditor's Office Case No. 10-071

The Board received a complaint alleging that employees of a county GIS office, a division of the County Auditor's office, are performing surveying without supervision from a professional surveyor. The complainant stated that GIS employees check for mathematical closure and compliance to minimum standards of presented survey maps and descriptions. Required corrections, as determined by the GIS staff, are conveyed to the professional surveyor through realty companies, title attorneys or direct contact before a survey map or description will be approved.

*Mr. Greenhalge will set up a meeting to discuss this issue with CEAO.*

Professional Surveyor Case No. 11-044

The Board received a complaint alleging that SUBJECT, who is employed by a county engineer, is performing private surveys in the county where he is employed. The complainant believes this arrangement to be a conflict of interest.

*The Board directed the staff to close the complaint due to no apparent violation.*

Professional Engineer Case No. 11-075

The Board received a complaint alleging that SUBJECT, an elected county engineer, has refused to correct a sewer line resulting in basement flooding in the affected area.

*The Board directed the staff to close the complaint due to no apparent violation.*

Professional Engineer Case No. 11-081

The Board received a complaint alleging that SUBJECT sealed a lot improvement plan which was missing many items required by the local engineering department for permit approval. The complainant also questioned as to whether a professional engineer should seal the plan since it includes elevations and sewer test locations.

*The Board directed the staff to close the complaint due to no apparent violation and to send SUBJECT a letter advising him that it is not permissible to affix his seal to unfinished work product.*

Charles Miller, P.S. Case No. 11-016

The Board received a complaint alleging that SUBJECT failed to meet the minimum standards for boundary surveys on a survey he performed for the complainant. The complaint also alleges that when notified of the problem SUBJECT failed to respond in a timely manner.

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

William Yoakam, P.E., P.S. Case No. 10-012

On November 18, 2010 the Board charged SUBJECT 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 SUBJECT guilty of violating R.C. 4733.20 (A)(1) and (5) and A.C. sections 4733-19-01 and 4733-35-08.

At its meeting on June 15, 2011 the Board voted to adopt the Hearing Examiner's Findings of Fact, Conclusions of Law and Recommendation and issue a Final Order suspending SUBJECT's professional engineer and professional surveyor registrations for two months and order him to pay a \$1,000 fine within 30 days.

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

Mr. Evans reported that Judge Lynch has issued a decision concerning Jeffrey Uroseva's mandamus action against the Board and Mr. Greenhalge asking the court to require the Board to hold an administrative hearing concerning his recent exam application. The court found that Uroseva is not entitled to multiple successive administrative hearings and the case was dismissed.

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

## EXAMS

Mr. Greenhalge distributed the exam statistics for the April 2011 examinations.

Type	Applied	Approved	Examined	Passed	% Passed	Failed	% Failed
FE	1113	1102	848	656	77%	192	23%
FS	36	35	31	23	74%	8	26%
			<b>879</b>	<b>679</b>	<b>77%</b>	<b>200</b>	<b>22%</b>
PE	383	359	284	176	62%	108	38%
PS	29	25	25	14	56%	11	44%
			<b>309</b>	<b>190</b>	<b>61%</b>	<b>119</b>	<b>39%</b>
<b>Totals</b>	<b>1561</b>	<b>1521</b>	<b>1188</b>	<b>869</b>	<b>73%</b>	<b>319</b>	<b>27%</b>

*Note- 1267 candidates were scheduled with NCEES to take exams, 67 no shows*

## NCEES ANNUAL MEETING

The NCEES Annual Business Meeting will be held August 24 – 27, 2011 in Providence, Rhode Island. Mr. Hubbard, Mr. Snyder and Mr. Greenhalge will attend.

## CORRESPONDENCE

1. Letter from George Pantages, P.E. concerning a guard rail and pathway in Willoughby, Ohio.

*The Board reviewed Mr. Pantages letter and directed Mr. Greenhalge to advise Mr. Pantages that the Board has no jurisdiction in this matter and that he should continue to work with the City of Willoughby.*

2. Letter from Dallas Morlan, P.S., Assistant Professor at Columbus State Community College, requesting re-evaluation of SURV 242.

*The Board directed Mr. Greenhalge to have Dave Cox, P.S. review the request and provide his recommendation to the Board.*

## NEW BUSINESS

None discussed.

## OLD BUSINESS

None discussed.

## PUBLIC RELATIONS

Mr. Greenhalge conducted a presentation on the Board's operations and the continuing education audit to the State Architect's office on June 27, 2011. Mr. Greenhalge is scheduled to do a presentation on the Code of Ethics for Professional Engineers and Surveyors for employees of AEP on July 28, 2011. The certificate ceremony will be held on August 20, 2011 in the statehouse atrium.

AUGUST BOARD MEETING

The August meeting was scheduled for Wednesday August 11, 2011.

***Motion by Mr. Snyder, second by Mr. Mawhorr, to cancel the August meeting. Motion carried.***

SEPTEMBER BOARD MEETING

The September meeting is scheduled for September 15, 2011.

ADJOURNMENT

The Board adjourned at 2:05 p.m.

These minutes were written on July 22, 2011 and approved by the Board on September 15, 2011.

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

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

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John F. Greenhalge  
Executive Director