

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

Thursday May 24, 2012

Members Present:

James D. Mawhorr, P.E., P.S.	Chair
Chandra R. Shah, P.E.	Vice Chair
Frank D. Snyder, Jr., P.S.	Secretary
Keith Swearingen, P.E., P.S.	Member
Nelson E. Kohman, P.E.	Member

Staff Present:

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

CALL TO ORDER

The State Board of Registration for Professional Engineers and Surveyors held its regular meeting on Thursday, May 24, 2012 at 50 West Broad Street, Suite 1820, Columbus, Ohio 43215 in the Board conference room. Chairman Mawhorr called the meeting to order at 9:35 a.m.

1. APPROVAL OF MINUTES

The minutes of the March 15, 2012 Board meeting were presented for approval.

***Motion by Mr. Shah, second by Mr. Swearingen, to approve the March 15, 2012 meeting minutes as presented. Motion carried.***

2. RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Present at the meeting:

Holly Ross, Ohio Society of Professional Engineers  
Melinda Gilpin, Professional Land Surveyors of Ohio  
Tracy Mitchell, P.E.

3. BOARD REVIEW OF APPLICATIONS

A. Harold W. Pridsen- PS Comity Applicant

Mr. Pridsen did not take and pass the NCEES Fundamentals of Surveying (FS) and NCEES Principles and Practice of Surveying (PS) examinations. Mr. Pridsen has been licensed in Florida since 1979 and took and passed the 8 hour Florida practice exam.

The Board discussed Mr. Prisdén's application and determined that his course work and examinations meet the requirements in Ohio at the time he was registered in Florida.

***Motion by Mr. Shah, second by Mr. Snyder, to approve Mr. Prisdén's application for registration as a professional surveyor. Motion carried.***

B. Rameshwar Kartan- PE Comity Applicant

Mr. Kartan had his undergraduate transcript evaluated by NCEES. The evaluation indicated that Mr. Kartan is 3 semester hours short in Humanities; however, his course work exceeds the engineering design requirement.

The Board discussed Mr. Kartan's application and determined that his education meets the requirement of R.C. 4733.11.

***Motion by Mr. Kohman, second by Mr. Shah, to approve Mr. Kartan's application for registration as a professional engineer. Motion carried.***

C. Jennifer Marks- PS Comity Applicant

Ms. Marks took and passed the NCEES PS examination in October 1992 and received her license in February 2003, after Ohio implemented the degree requirement for PS registration in January 1993. Ms. Marks does not possess a four year surveying degree; however, the Board permitted individuals that applied prior to the degree requirement to sit for the examinations after completing the requisite experience.

The Board discussed Ms. Marks' application and determined that it meets the requirements for registration in Ohio at the time she was licensed in Connecticut.

***Motion by Mr. Snyder, second by Mr. Swearingen, to approve Ms. Mark's application for registration as a professional surveyor. Motion carried.***

D. Chaun How Chan- PE Comity Applicant

Mr. Chan had his undergraduate transcript evaluated by NCEES. The evaluation indicated that Mr. Chan is 1 semester hour short in Math and basic Science and 4 semester hours short in General Education; however, his course work exceeds the engineering design requirement.

The Board discussed Mr. Chan's application and determined that his education meets the requirement of R.C. 4733.11.

***Motion by Mr. Shah, second by Mr. Kohman, to approve Mr. Chan's application for registration as a professional engineer. Motion carried.***

E. Design Homes & Development Corporation- COA Applicant

DHDC Engineering Consulting, Inc.- COA Applicant

Mohammad O. Haque is purchasing Design Homes & Development Corporation and has requested Board approval for both COA applications until the purchase is complete and the work has been transitioned to his firm.

***Motion by Mr. Shah, second by Mr. Swearingen, to approve the COA for DHDC Engineering Consulting, Inc. for FY 2013 and approve the COA renewal application for Design Homes & Development Corporation to December 31, 2012. Motion carried.***

- F. Morris Knowles & Associates, Inc.- COA Applicant  
Hammontree & Associates, Ltd.- COA Applicant  
Tract 1 Surveying, LLC- COA Applicant

Charles Hammontree, P.E., P.S. has requested to be listed as the PS in charge of surveying activities for Morris Knowles & Associates, Inc. and as the PE in charge of engineering activities for Hammontree & Associates, Ltd. Morris Knowles & Associates is a fully owned subsidiary of Hammontree & Associates.

Timothy Briggs, P.S. has requested to be listed as the PS in charge of surveying activities for Hammontree & Associates, where he is employed full-time, as well as on his own one person firm Tract 1 Surveying, LLC.

***Motion by Mr. Shah, second by Mr. Swearingen, to approve the COA applications for Hammontree & Associates, Ltd., Morris Knowles & Associates, Inc. and Tract 1 Surveying, LLC. Motion carried.***

- G. Leppert Associates- COA Applicant

Jean Ernstberger, P.E. is requesting Board approval to be listed as the engineer in responsible charge of engineering activities and decisions for Leppert Associates. From the documentation provided with the application it appeared that Ms. Ernstberger is a part-time hourly employee. At its meeting on March 15, 2012 the Board directed the staff to obtain confirmation that Ms. Ernstberger is a full-time employee of the firm.

Ms. Ernstberger has submitted a letter confirming that she is a full-time employee of the firm.

***Motion by Mr. Kohman, second by Mr. Snyder, to approve Leppert Associates' COA application. Motion carried.***

- H. Yates Engineers, LLC- COA Applicant  
Mark Engineers, Inc.- COA Applicant

Darrel Wolfe, P.E. has requested to be listed as the PE in charge of engineering activities for both firms while the purchase of Mark Engineering by Yates Engineers is completed and the work is transitioned to the new firm.

***Motion by Mr. Snyder, second by Mr. Shah, to approve the COA applications for Yates Engineers, LLC. and Mark Engineers, Inc. Motion carried.***

- I. SiteSource Consultants, Inc.- COA Applicant

The Board reviewed the COA application and determined that the application is incomplete since there is no full-time employee listed as being in charge and responsible for all engineering activities and decisions.

#### 4. APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Reports of May 23, 2012 was presented for review and approval by the Board.

***Motion by Mr. Snyder, second by Mr. Kohman, to approve the May 23, 2012 CRC report. Motion carried.***

5. 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. Swearingen, second by Mr. Kohman, to approve the registrations issued since the last Board meeting. Motion carried.***

6. EXAMINATIONS

A. April 2012 Examinations

Mr. Greenhalge distributed a summary of the scores for the FE, FS, PE and PS examinations from NCEES.

The Board reviewed the exam irregularity reports received from NCEES concerning Michael McDowell and Ahmed Abdel-Mohti. NCEES has notified Mr. Abdel-Mohti that his exam will be invalidated for leaving the secured test facility during the examination. NCEES has notified Mr. McDowell that he will not be given extra time to transfer his answers from the exam booklet to the answer sheet.

Since the exams were administered by NCEES and both examinees signed the NCEES Candidate Agreement no action was needed from the Board.

B. Ohio Professional Surveyor Exam Workshop

The Ohio Professional Surveyor Exam workshop was conducted on Saturday May 5, 2012 at the Marriott Hotel in Dublin, Ohio. Mr. Greenhalge distributed the April 2012 Ohio PS Exam summary report prepared by Test, Inc.

C. Ohio Surveying Courses Worksheet

Owens Tech submitted additional information concerning the surveying courses offered by the college.

***Motion by Mr. Kohman, second by Mr. Swearingen, to approve the courses as evaluated and presented by Mr. Snyder. Motion carried.***

7. EXECUTIVE DIRECTOR'S REPORT

Mr. Greenhalge distributed the FY 2012 3<sup>rd</sup> quarter financial report.

Mr. Greenhalge presented a draft policy for establishing a complaint review panel.

***Motion by Mr. Snyder, second by Mr. Shah, to adopt the policy as presented by Mr. Greenhalge. Motion carried.***

Mr. Greenhalge reported that there have been several inquiries about creating a temporary permit for Certificate of Authorization applications. The Board directed Mr. Greenhalge to draft a policy for consideration at the July meeting.

Mr. Greenhalge reported that the staff has continued to draft laws and rules addressing the conversion to computer based testing. Mr. Greenhalge has met with PLSO and OSPE to discuss the changes. Mr. Greenhalge will continue to meet with other interested parties and prepare legislation to be introduced in January 2013.

Mr. Greenhalge reported that the Attorney General's Office will conduct a presentation on Ohio Public Records Law and the Open Meetings Act at the July 2012 meeting.

Mr. Snyder attended the NCEES Central Zone meeting on May 17-19. Mr. Snyder provided a verbal report to the Board.

### **EXECUTIVE SESSION**

***Motion by Mr. Shah second by Mr. Kohman, to go into Executive Session pursuant to Ohio Revised Code Section 121.22(G)(1) to consider the investigation of complaints against licensees. Mr. Greenhalge recorded a roll call vote:***

***Roll call vote:***

***Mr. Snyder- Yes  
Mr. Mawhorr- Yes  
Mr. Shah- Yes  
Mr. Kohman- Yes  
Mr. Swearingen- Yes***

***Motion carried. The Board entered into executive session at 11:27 a.m.***

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

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

No actions were taken as a result of the Executive Session.

#### **8. ENFORCEMENT**

##### **A. Board Review**

Professional Engineer Case No. 2011-022

On July 28, 2010 SUBJECT voluntarily surrendered his professional engineer license in the State of Florida after an investigation by the Florida Board determined SUBJECT placed his seal and signature on materially deficient project plans and failed to adhere to Florida Minimum Standards for plan drawings.

SUBJECT failed to report the action to the Ohio Board as the enforcement staff found the disciplinary action on a routine check of the NCEES Enforcement Exchange database. On two separate occasions Board staff has attempted without success to reach SUBJECT by certified mail at his addresses on record. SUBJECT's registration expired in December of 2010.

*The Board directed the staff to place a hold on SUBJECT's e-license record in case he tries to renew. No further action was required.*

Unlicensed Individual Case No. 2012-065

On December 28, 2011 the Board received a complaint alleging SUBJECT was representing himself as a professional engineer and held the job title *Deputy Engineer* for a county engineer's office.

On February 16, 2012 the Board received a written response from the County Engineer. Attached to the response was SUBJECT's job description as Deputy Engineer for Operations. The County Engineer explained that the position is an assistant to the County Engineer and that SUBJECT does not provide engineering. SUBJECT is responsible for the maintenance and repair of the county's highway and bridge maintenance.

*The Board directed the staff to send a letter to SUBJECT advising him of the laws and rules governing the practice of engineering and advising him to remove Engineer from his title and any other references that would lead the public to believe he is a professional engineer.*

Professional Engineer Case No. 11-099

On June 7, 2011 Board staff received a complaint from a professional engineer alleging misconduct by Professional Engineers involved in the City of Toledo Trunk Water Main project.

At its meeting on January 19, 2012 the Board closed the complaint since it appeared to be a civil matter. After being notified of the Board's decision the complainant sent additional information and requested that the complaint be reopened.

*The Board reviewed the complaint and determined that the complaint falls outside of the Board's jurisdiction and should be addressed in civil court.*

Unlicensed Individual Case No. 12-072

On February 9, 2012 the Board received a complaint alleging that SUBJECT is identifying himself as a Mechanical Engineer in the state of Ohio which may lead the public to believe he is a professional engineer. Attached to the complaint was a residential inspection report prepared by SUBJECT using the designation Mechanical Engineer.

On February 13, 2012 Board staff mailed a letter to SUBJECT requesting a written response. On April 23, 2012 SUBJECT provided a written response and attached a copy of his diploma in Mechanical Engineering from the University of Cincinnati. According to information listed on his curriculum vitae, he also provides consultation, investigations, evaluations, inspections, planning and design services for residential, commercial and industrial properties.

*The Board directed the staff to send a warning letter advising SUBJECT of the laws and rules governing the practice of engineering and requesting him to remove all references from his resume, advertising and website that may lead the public to believe that he is a professional engineer.*

B. Settlement Agreements

Engineers Northwest P.C., Inc. Case No. 12-046

On October 13, 2011 the Board received a complaint alleging that SUBJECT FIRM is offering and providing engineering services at a time when it did not have a Certificate of Authorization to provide engineering services in Ohio. In correspondence with the principle of the firm, he stated that his firm contracts with an architectural firm and a national retail store, both of which are located in Seattle WA. SUBJECT FIRM was subcontracted by the architectural firm to perform engineering services for one project in Lockbourne, OH. On April 9, 2012 the Board received SUBJECT FIRM's Certificate of Authorization application.

On May 14, 2012 the Board received a signed settlement agreement wherein SUBJECT FIRM agreed to accept a \$250.00 fine and receive a reprimand for violations of ORC 4733.

U. P. Engineers & Architects, Inc. Case No. 12-062

On November 28, 2010 the Board received a complaint alleging SUBJECT was offering and providing engineering services without a Certificate of Authorization.

After a preliminary investigative search of their website a letter was sent to SUBJECT requesting a response to the allegations. The SUBJECT's response was received on February 13, 2012 wherein SUBJECT stated that they provided basic design engineering services for a project in Toledo, Ohio.

On April 25, 2012 a Certificate of Authorization application was received. On May 7, 2012 the Board received a signed settlement agreement wherein SUBJECT agreed to accept a \$250.00 fine and receive a reprimand for violations of R.C. 4733.

Innovative Solutions Unlimited, LLC Case No. 12-101

On January 23, 2012 the Board received a Certificate of Authorization application from SUBJECT FIRM. The Board's database shows that the SUBJECT FIRM had a COA but it expired in 2005. In correspondence with SUBJECT FIRM's owner he stated that they let their license lapse because they were a temp-agency. He stated that they began offering professional engineering services a few years back when they hired a professional engineer but only offered engineering services on a limited basis. On or about April 9, 2012 SUBJECT FIRM hired the professional engineer full-time as the manager in responsible charge of the engineering decisions and activities for the firm. The Board received a list of 22 projects completed by SUBJECT FIRM while unlicensed.

On May 10, 2012 the Board received the signed Settlement Agreement wherein the SUBJECT FIRM agreed to accept a \$2500.00 fine and receive a reprimand for violations of R.C. 4733.

James Westbrook & Associates, LLC Case No. 2012-103

On February 27, 2012 the Board received a Certificate of Authorization application for SUBJECT FIRM. The Board's records indicated that SUBJECT FIRM's COA expired on June 30, 2010. The Board requested a letter of explanation and list of projects. On April 26, 2012 the Board received a response from SUBJECT FIRM wherein they stated that they offered and provided a structural report while unlicensed.

On May 9, 2012 the Board received a signed settlement agreement wherein SUBJECT FIRM agreed to accept a \$250.00 fine for violations of ORC 4733.

***Motion by Mr. Snyder, second by Mr. Kohman, to open an investigation, accept the settlement agreements, close the investigations and issue certificates of authorization in cases 12-046, 12-062, 12-101 and 12-103. Motion carried.***

Paul R. Ripple, P.E. Case No. 2012-087

On February 24, 2012 SUBJECT was selected for the CPD audit. On March 14, 2012 SUBJECT sent in certificates of completion with a letter notifying the Board that he did not earn all of his 15 continuing education hours prior to renewing his 2012-2013 license. SUBJECT was mailed a settlement agreement for violations of R.C. 4733. On April 30, 2012 the signed settlement agreement was received wherein SUBJECT agreed to pay a \$500.00 fine and receive a reprimand.

Christopher B. Stutz, P.E. Case No. 2012-088

On February 24, 2012 SUBJECT was selected for the CPD audit. On March 7, 2012 SUBJECT sent in certificates of completion with a letter notifying the Board that he did not earn all of his 15 continuing education hours prior to renewing his 2012-2013 license. SUBJECT was mailed a settlement agreement for violations of R.C. 4733. On May 4, 2012 the signed settlement agreement was received wherein SUBJECT agreed to pay a \$500.00 fine.

Paul G. Keffler, P.E. Case No. 2012-089

On February 24, 2012 SUBJECT was selected for the CPD audit. On March 14, 2012 SUBJECT notified the Board that due to personal issues he could not obtain his continuing education documentation earned in 2011. On April 2, 2012 SUBJECT was given 6 months to submit verification of his 2011 continuing education hours earned or rectify the deficiency and provide the Board with evidence of completion.

On April 9, 2012 SUBJECT offered to enter into a settlement agreement for violations of R.C and A.C 4733. SUBJECT agreed to pay a \$2000.00 fine, receive a reprimand and his professional engineer license would be suspended until he showed completion of the required 15 hours.

On April 18, 2012 the Board received SUBJECT's continuing education documentation rectifying the deficiency and the signed settlement agreement.

Richard J. Mazur, P.E. Case No. 2012-090

On February 24, 2012 SUBJECT was selected for the CPD audit. On March 29, 2012 SUBJECT notified the Board that he could not access his CPD documents that showed he obtained the required 15 continuing education hours. SUBJECT was mailed a settlement agreement wherein SUBJECT agreed to voluntarily surrender his professional engineer license for violations of R.C. 4733. On May 2, 2012 the Board received the signed agreement.

Jeffrey P. Miller, P.S. Case No. 2012-091

On February 24, 2012 SUBJECT was selected for the CPD audit. On March 20, 2012 SUBJECT notified the Board that due to an illness he wished to retire. The Board staff contacted SUBJECT and requested he mail in his CPD documents. SUBJECT stated that due to his illness he did not earn the 15 required continuing education hours. SUBJECT was mailed a settlement agreement wherein SUBJECT agreed to voluntarily surrender his professional surveyor license for violations of R.C. 4733. On May 2, 2012 the Board received the signed agreement.

Jiremiah Conkle, P.S. Case No. 2012-092

On February 24, 2012 SUBJECT was selected for the CPD audit. On February 28, 2012 SUBJECT notified the Board that due to an illness he was unable to complete the required 15 CPD hours and wanted to surrender his license. SUBJECT was mailed a settlement agreement for violations of R.C. 4733. On April 23, 2012 the Board received the signed settlement agreement wherein SUBJECT voluntarily surrendered his professional surveyor license.

Frank Alan Hammer, P.E. Case No. 2012-093

On February 24, 2012 SUBJECT was selected for the CPD audit. On March 29, 2012 SUBJECT sent in certificates of completion with a letter notifying the Board that he did not earn all of his 15 continuing education hours prior to renewing his 2012-2013 license. SUBJECT was mailed a settlement agreement for violations of R.C. 4733. On May

1, 2012 the signed settlement agreement was received wherein SUBJECT agreed to pay a \$250.00 fine and receive a reprimand.

Enrique I. Tabak, P.E. Case No. 2012 – 096

A routine check of NCEES's enforcement exchange database showed that the Texas Board of Engineers had taken disciplinary action against SUBJECT's license. SUBJECT did not report the action to this Board. SUBJECT entered into a consent agreement with the Texas Board wherein he agreed to cease and desist all engineering practice in the state of Texas as a result of the allegations that he designed and sealed plans for a sports practice facility that was not prepared in a careful and diligent manner and that SUBJECT's certification was misleading.

On March 19, 2012 the SUBJECT contacted the Board and asked to relinquish his registration. On May 7, 2012 the Board received the signed settlement agreement wherein SUBJECT voluntarily surrendered his professional engineer license for violations of R.C. and A.C. 4733.

***Motion by Mr. Snyder, second by Mr. Swearingen, to open an investigation, accept the settlement agreements, close the investigations in cases 12-087, 12-088, 12-089, 12-090, 12-091, 12-092, 12-093 and 12-096. Motion carried.***

Consulting Engineers Corp. Case No. 12-097

On April 4, 2012 the Board received a complaint alleging SUBJECT FIRM was offering and providing engineering services without a Certificate of Authorization (COA). SUBJECT FIRM bought out an Ohio firm that previously had a COA but during the transition failed to apply for a new COA. SUBJECT FIRM performed engineering on several projects located in Ohio during the period they did not have a COA.

SUBJECT FIRM entered into a settlement agreement wherein SUBJECT FIRM agreed to pay a \$5000.00 fine and accept a reprimand for violations of R.C. 4733.

***Motion by Mr. Snyder, second by Mr. Kohman, to open an investigation, accept the settlement agreement, close the investigation and issue a certificate of authorization in case 12-097. Motion carried.***

Bemba K. Jones, P.S. Case No. 12-026

On October 12, 2011 the Board received a complaint alleging SUBJECT PS violated Ohio Revised Code Sections (O.R.C.) 4733.20 (A) (2) and (5) and Ohio Administrative Code Section (O.A.C.) 4733-35-06 (D), as a result of SUBJECT PS misrepresenting pertinent facts concerning employees, associates, consultants, joint-ventures and listing individuals and firms not affiliated with him or his firm on the firm's website without their knowledge or permission.

SUBJECT entered into a settlement agreement wherein he agreed to pay a \$1,000 fine and accept a reprimand.

William T. Novak, P.E. Case No. 11-108

On or about April 25, 2011 the Board requested SUBJECT's continuing professional development documents for calendar years 2008, 2009 and 2010. No response was received. On June 13, 2011 the Board mailed SUBJECT the 6 month notice letter. On January 18, 2012 the Board received certificates of completion for SUBJECT. 17 CPD hours were earned in 2008, 23 hours earned in 2009 and 60 hours were earned in 2011. In correspondence with the Board staff SUBJECT admitted that he did not have documentation for hours earned in 2010. SUBJECT entered into a settlement agreement wherein he agreed to pay a \$500.00 fine and receive a reprimand.

**Motion by Mr. Snyder, second by Mr. Shah, to open an investigation, accept the settlement agreements, close the investigations in cases 12-026 and 11-108. Motion carried.**

C. Close Investigation

Robert F. Keller, P.E. Case No. 2012-052

On February 28, 2011 SUBJECT PE was notified by mail that he was selected for the continuing education audit. On March 21, 2011 SUBJECT contacted the Board and stated that he did not complete his continuing education hours for 2010. On March 29, 2011 the Board sent SUBJECT a notice advising him that in accordance with R.C. 4733.151 he had six months to complete the CPD requirement.

On January 19, 2012 the Board opened an investigation, accepted charges for violations of ORC 4733 and OAC 4733 and issued a Notice of Opportunity for Hearing. On February 16, 2012 the Board received a letter from SUBJECT wherein he requested that his license be placed on inactive status. On March 15, 2012 the Board issued a Final Order revoking SUBJECT's professional engineer license. SUBJECT did not appeal the Board's order.

**Motion by Mr. Snyder, second by Mr. Kohman, to close the investigation in case 12-052. Motion carried.**

D. Final Orders

Thomas Bellace, P.E. Case No. 2011-113

SUBJECT voluntarily surrendered his professional engineer license in the State of Florida and subsequently the North Carolina Board refused to renew SUBJECT's professional engineer license. SUBJECT failed to report both actions to the Ohio Board. On September 15, 2011 the Board opened an investigation. On January 19, 2012 the Board accepted the charges and issued a Notice of Opportunity for Hearing. SUBJECT did not request a hearing.

**Motion by Mr. Snyder, second by Mr. Swearingen, based on the facts and charges listed in the Charge and Notice of Opportunity for Hearing, to revoke Mr. Bellace's PE registration for violations of R.C. 4733.20 (A)(5) and O.A.C. 4733-19-01 (I) and 4733-35-08 until such time as his PE registration is reinstated by the Florida Board of Professional Engineers. Motion carried.**

David A. Holden, P.S. Case No. 2010-045, 2011-054 & 2011-077

On December 28, 2009 the Board received a complaint (Case No. 2010-045) alleging that SUBJECT PS failed to meet the minimum standards for boundary surveys and failed to make corrections after notification of the mistakes, in violation of ORC 4733 and OAC 4733. SUBJECT PS was sued by the complainant in Canton Municipal Court in Canton, Ohio and received a judgment against SUBJECT PS in the amount of \$900.00.

On December 28, 2010 the Board received a complaint (Case No. 2011-054) alleging that SUBJECT PS was advertising and performing surveying services with a company that does not possess a certificate of authorization with this Board, in violation of ORC 4733 and OAC 4733.

On March 5, 2011 the Board received a complaint (Case No. 2011-077) alleging that SUBJECT PS contracted with complainant to perform a second survey of their property and after SUBJECT PS was seen surveying the property, never contacted the complainant or finished the survey in violation of OAC 4733. The complainant stated they had attempted to contact SUBJECT PS several times but received no response, forcing the client to contact another surveyor to complete the survey.

The Board's enforcement staff attempted several times to get SUBJECT PS to provide a written response to the allegations. The Board's enforcement staff even met with SUBJECT PS and obtained a signed receipt regarding his acknowledgement of the complaints and his requirement to respond within thirty (30) days. SUBJECT PS did not respond.

On March 5, 2012 Board staff filed charges with the Board's Secretary. On March 15, 2012 the Board accepted the charges and issued a Notice of Opportunity for Hearing. SUBJECT signed the certified receipts for both Charges and Notice of Hearing letters mailed to him; however, he did not request a hearing within thirty (30) days.

***Motion by Mr. Snyder, second by Mr. Shah, based on the facts and charges listed in the Charge and Notice of Opportunity for Hearing, to revoke Mr. Holden's PS registration for violations of Ohio Revised Code Sections 4733.11 (E), 4733.20 (A) (2) and (5), and Ohio Administrative Code Sections 4733-35-02, 4733-35-07 (B) and 4733-35-09. Motion carried.***

Joseph M. Fusillo PE Comity Applicant

On March 16, 2011 SUBJECT filed a NCEES PE comity application with the Ohio Board. After Board staff's review of the application it was determined that SUBJECT did not meet the requirements for registration in Ohio.

On April 28, 2011 the Board mailed out a letter to SUBJECT denying his application by comity and issued a Notice of Opportunity for Hearing. SUBJECT requested a hearing which was held on January 24, 2012. The Hearing Examiner issued a Report and Recommendation to deny SUBJECT's comity application.

***Motion by Mr. Snyder, second by Mr. Kohman, to accept the Hearing Examiner's Findings of Fact, Conclusions of Law and Recommendation and deny Mr. Fussillo's application for registration as a professional engineer since he has failed to establish the requisite years of engineering experience prior to taking the PE examination in October 2006. Motion carried.***

#### 9. CORRESPONDENCE

- A. Letter from Richard P. Keil, P.E. requesting CPD credit for working on IEEE standards.

*The Board directed the staff to grant Mr. Keil two hours of CPD credit for serving as a member of a technical committee.*

- B. E-mail from Tracy Martin, P.E. concerning definition of public policy as used in O.A.C. section 4733-35-04.

Assistant Attorney General Evans advised the Board that since R.C. 4733 does not define Public Policy, the Board should advise Mr. Mitchell to follow the standard dictionary definition.

#### 10. NEW BUSINESS

- A. Petition from the Rhode Island Society of Professional Land Surveyors to remove "Engineering Surveys" from the NCEES Model Law.

No action taken.

11. UNFINISHED BUSINESS

A. Advisory Opinion Regarding the Supervision of Surveying in the County Tax Map Office

***Motion by Mr. Kohman, second by Mr. Snyder, to adopt the advisory opinion as presented by Mr. Greenhalge. Motion carried.***

12. PUBLIC RELATIONS

On April 19, 2012 Mr. Greenhalge spoke at Ohio Northern University's True North Surveyor conference. On April 23, 2012 Mr. Greenhalge spoke to Ohio State University's American Society for Engineering Education (ASEE) Chapter about the FE and PE examinations and how to prepare for the exams.

The spring certificate ceremony was held in the Statehouse atrium on March 17, 2012. Mr. Snyder spoke to the new registrants. Approximately 69 new registrants and interns attended the ceremony and received their certificates.

13. JULY BOARD MEETING

The July meeting is scheduled for Thursday July 19, 2012.

14. ADJOURNMENT

The Board adjourned at 1:00 p.m.

These minutes were written on May 25, 2012 and approved by the Board on July 19, 2012.

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

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Franklin D. Snyder, Jr., P.S.  
Board Secretary

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John F. Greenhalge  
Executive Director