

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

Thursday September 27, 2012

Members Present:

James D. Mawhorr, P.E., P.S.	Chair
Frank D. Snyder, Jr., P.S.	Secretary
Keith Swearingen, P.E., P.S.	Member

Staff Present:

John F. Greenhalge	Executive Director
Lynn M. Jones	Assistant 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, September 27, 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 July 19, 2012 Board meeting were presented for approval.

Motion by Mr. Snyder, second by Mr. Swearingen, to approve the July 19, 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

3. BOARD REVIEW OF APPLICATIONS

A. Mark Orlando- PE Exam Applicant

Mr. Orlando has submitted additional information and has requested a re-evaluation of his PE exam application.

The Board directed Mr. Greenhalge to forward the additional information to the Board's evaluators for review.

B. David Robertson- PE Comity Applicant

Mr. Robertson has applied for registration as a professional engineer in Ohio. Mr. Robertson is a graduate of the University of Glasgow Scotland. The NCEES evaluation of Mr. Robertson's education identified a deficiency in general education of 10 hours; however, Mr. Robertson completed an additional 18 hours in engineering sciences and design and earned 24 hours in electives.

Motion by Mr. Snyder, second by Mr. Swearingen, to approve Mr. Robertson's application. Motion carried.

C. Heath Edelman- PE Comity Applicant

Mr. Edelman has requested a re-evaluation of his application for PE registration. Mr. Edelman does not possess an undergraduate engineering degree. Mr. Edelman has a graduate degree in Environmental Engineering from the University of New Haven.

The Board directed Mr. Greenhalge to advise Mr. Edelman to have his engineering education evaluated by NCEES and have the report sent to the Board for evaluation.

D. Mahoney-Smith Professional Land Surveyors and AES Surveying and Land Planning

James Mahoney, PS is requesting to be the professional surveyor in responsible charge for both companies. Mahoney-Smith is a new company formed to perform surveys for large scale oil and gas projects. Mr. Mahoney stated he will be partnering with a PLS licensed in Pennsylvania to share assets, information and insurance costs without overextending their individual companies.

Mahoney has a COA for AES. AES performs boundary and construction stakeout services throughout OH. The Ohio offices for both firms will be at the same location.

Motion by Mr. Snyder, second by Mr. Swearingen, to deny Mahoney Smith professional Land Surveyors' COA application as not meeting the requirements of RC 4733.16 (D). Motion carried.

E. HNTB Corporation & HNTB Ohio, Inc.

HNTB Corporation is requesting a COA to perform engineering services in Ohio. HNTB Corp. owns 50% of HNTB Ohio. HNTB Ohio currently has a COA to perform engineering and architecture services in Ohio. HNTB Ohio would like to remain active until all contracts are complete, which will take approximately two years. The Ohio offices for both firms will be at the same location and Kenneth Feral, P.E. will be the professional engineer in responsible charge of engineering activities for both firms.

Motion by Mr. Snyder, second by Mr. Swearingen, to approve HNTB Corporations' COA application. Motion carried.

The Board directed Ms. Schick to advise HNTB Corporation to discontinue contracting for engineering services under HNTB Ohio.

F. Brown & Caldwell & Brown Caldwell Ohio LLC

John Salo, P.E is requesting to be approved as the professional engineer in responsible charge of engineering activities for both Brown & Caldwell and Brown Caldwell Ohio LLC. Brown Caldwell Ohio LLC was formed to meet Ohio's ownership laws. Since the laws have changed they would like to dissolve the LLC; however, they have current projects and would like to keep the LLC's COA until the projects are complete. This will take approximately one year.

Once the new COA for Brown and Caldwell is approved all new projects will be contracted under the new firm. The Ohio offices for both firms will be at the same location.

Motion by Mr. Snyder, second by Mr. Swearingen, to approve Brown & Caldwell's COA application. Motion carried.

G. Hardesty & Hanover Engineering LLC & Hardesty & Hanover LLP

Due to corporate restructuring the existing company Hardesty & Hanover LLP will be phased out. Paul Skelton, P.E. and Andrew Coates, P.E. are requesting to be approved as the professional engineers in responsible charge of engineering activities for both firms until the LLP can be dissolved. The LLP would like to remain open until existing projects are complete. This should take approximately 6 months. The Ohio offices for both firms will be at the same location.

Motion by Mr. Snyder, second by Mr. Swearingen, to approve Hardesty & Hanover LLC's COA application. Motion carried.

The Board directed Ms. Schick to advise Hardesty and Hanover LLP that its COA will expire March 31, 2013.

H. Bascon Design LLC & Bascon, Inc.

Bascon Inc. is in the process of being phased out. The owners have formed a new company Bascon Design LLC. Frank Tamonko P.E. requested to be approved as the professional engineer in responsible charge of engineering activities for both firms. Bascon Inc would like to remain open until existing projects are complete. This should take approximately 6 months. The Ohio offices for both firms will be at the same location.

Motion by Mr. Snyder, second by Mr. Swearingen, to approve Bascon Design LLC's COA application. Motion carried.

The Board directed Ms. Schick to advise Bascon Inc. that its COA will expire March 31, 2013.

I. Sitesource Consultants, Inc.

At its meeting on July 19, 2012 the Board requested that staff request additional information to confirm that Rickard Sicker, P.E. is a full-time employee of Sitesource Consultants. Mr. Sicker has provided the additional information.

Motion by Mr. Snyder, second by Mr. Swearingen, to approve Sitesource Consultant's COA application. Motion carried.

J. Thrasher Engineering

At its meeting on July 19, 2012 the Board tabled Thrasher Engineering's COA application to provide engineering and surveying in Ohio. On September 18, 2012 Thrasher Engineering submitted an amended application to provide engineering only.

Motion by Mr. Snyder, second by Mr. Swearingen, to approve Thrasher Engineering's COA application. Motion carried.

4. APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Reports of August 15, 2012 and September 26, 2012 were presented for review and approval by the Board.

Due to the presence of only three Board members Mr. Snyder requested that the COA application for Stelly and Snyder be removed from the CRC Report this month and be placed on the CRC Report for October. Mr. Snyder is an owner of Stelly and Snyder.

Motion by Mr. Swearingen, second by Mr. Snyder, to approve the August 15, 2012 and September 26, 2012 CRC reports. 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. Snyder, second by Mr. Swearingen, to approve the registrations issued since the last Board meeting. Motion carried.

6. EXAMINATIONS

A. October 2012 Exam Approvals (October 2011 figures)

Mr. Greenhalge provided updated exam stats for the October 2012 exams. Exam applications and approvals have increased over the October 2011 exams.

Exam Type	Applied	Approved	Registered with NCEES
FE	574 (516)	547 (496)	446 (389)
FS	19 (27)	19 (22)	16 (20)
PE	406 (432)	374 (397)	326 (346)
PS	22 (32)	22 (22)	22 (22)
Totals	1021 (1007)	962 (937)	810 (777)

B. OH PS Exam Workshop

The next OH PS Exam Workshop is scheduled for Saturday November 17, 2012 at the Marriott Hotel in Dublin, Ohio.

C. Courses for the Surveying Courses Worksheet

David Cox, P.S. completed his review of the surveying courses submitted by Cincinnati State/Northern Kentucky and Columbus State Community College. Mr. Cox's recommendations will be presented for Board review.

Motion by Mr. Snyder, second by Mr. Swearingen, to approve the courses as recommended by Mr. Cox. Motion carried.

7. REPORTS

A. Executive Director's Report

1. Draft Report to Governor for Board review

Mr. Greenhalge distributed a draft of the Governor's Report. Mr. Swearingen suggested adding information pertaining to the affect the professions of engineering and surveying have on Ohio's economy.

2. FY 14 and FY 15 Budget

Mr. Greenhalge distributed a copy of the FY 14/15 budget request.

B. NCEES Annual Meeting

Mr. Greenhalge and Mr. Snyder gave the Board a report concerning the NCEES annual meeting.

8. ENFORCEMENT

Professional Engineer Case No. 2011-026

The Board received a complaint alleging that SUBJECT PE was representing himself as a professional engineer and providing engineering services on multiple projects in Ohio at a time when he did not possess an active registration.

On August 22, 2012 the Board received a signed settlement agreement from SUBJECT PE agreeing to pay a \$1500.00 fine.

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

Professional Engineer Case No. 2012-102

The Board opened a complaint after receiving a certificate of authorization application from an Ohio firm. During the review of the application it was discovered that the firm had provided engineering services in Ohio while they did not have a COA. SUBJECT PE was responsible for sealing work performed by the firm.

On September 12, 2012 Board staff received a signed settlement agreement back from SUBJECT PE agreeing to accept a reprimand and pay a \$250.00.

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

Professional Engineer Case No. 2013-001

The Board opened a complaint after receiving a reinstatement application from SUBJECT PE. During the review of the application it was discovered that SUBJECT PE had been offering engineering services in Ohio through his firm while his Ohio registration was expired.

On August 20, 2012 Board staff received a signed settlement agreement back from SUBJECT PE/FIRM agreeing to accept a reprimand and pay a \$500.00 fine.

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

Surveying Firm Case No. 2013-015

The Board received a COA renewal application from SUBJECT FIRM. The Board's records indicated that SUBJECT FIRM's COA expired on June 30, 2010. During the review of the application it was discovered that SUBJECT FIRM performed 1,455 mortgage location surveys while the COA was expired.

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

Professional Engineer Case No. 2012-100

On February 24, 2012 SUBJECT was notified by mail that he was selected for the continuing education audit. On February 27, 2012 the Board received a fax in which SUBJECT PE stated that he did not have any CPD activity to report for 2011. On March 7, 2012 the Board sent SUBJECT a 6 month notice via certified mail. Service was made on or about March 8, 2012. No response has been received.

On May 1, 2012 the Board sent SUBJECT a Notice of Apparent Violation. SUBJECT was given 30 days to respond. No response has been received.

Motion by Mr. Snyder, second by Mr. Swearingen, to open an investigation, accept the charges preferred by the Board's investigator and issue a Notice of Opportunity for Hearing. Motion carried.

Professional Engineer Case No. 2012-040

The Board received a complaint indicating SUBJECT PE may have engaged in criminal activity. The complainant forwarded information indicating SUBJECT PE may be facing criminal charges for having an unlawful interest in a public contract. It was alleged that SUBJECT PE while serving as Township Trustee steered township contracts to his son's engineering firm.

On April 30, 2012 the Board received documentation indicating that SUBJECT PE plead guilty in Clermont County Court of Common Pleas to ten (10) counts of Having an Unlawful Interest in a Public Contract, O.R.C. Section 2921.42 (A) (1), a fourth degree felony and five (5) counts of Tampering with Evidence, O.R.C. Section 2913.42, a third degree felony.

On July 16, 2012 SUBJECT PE was sentenced to serve a six (6) year suspended jail sentence, received five (5) years community control in lieu of the suspended sentence, required to pay restitution in the amount of forty- six thousand dollars (\$46,000.00) and court costs/fines in the amount of seventeen thousand- five hundred dollars (\$17,500.00.)

SUBJECT PE has failed to report his felony convictions to the Board as required.

Motion by Mr. Snyder, second by Mr. Swearingen, to open an investigation, accept the charges preferred by the Board's investigator and issue a Notice of Opportunity for Hearing. Motion carried.

Professional Engineer

Case No. 2012-074

On January 3, 2012 the Board received a renewal application from SUBJECT PE wherein he reported that he pled guilty to Tampering with Records. SUBJECT PE explained that while under his supervision, a concrete contractor replaced more concrete pavement than had been included in the contract. SUBJECT PE stated he prepared bid documents for a second contract to include the pavement replacement work that was already completed by the contractor. The fraudulent contract was awarded and the contractor was paid for the additional work provided on the initial contract.

Further information received by the prosecuting attorney confirmed the convictions and explained in further detail why SUBJECT PE was charged. The Asst. Cuyahoga County Prosecutor explained in an email:

"The contractor performed work that he was not supposed to as it was outside the scope of the original contract. SUBJECT requested that the Valley View Law Director approve a change order so that the contractor could be paid for his work but did not tell the law director that the work had been performed. The Law Director informed SUBJECT that the work would have to be bid out, as SUBJECT failed to disclose to the law director that the work had already been performed. Bid Documents were prepared and Village Council authorized the Engineer and Mayor to go out for bid for the project. The low bidder was the brother of the person who did the work. SUBJECT lied to Village Council about the fact that the work had already been performed and failed to disclose it was performed by the low bidder's brother. SUBJECT knew that the brother, once awarded the contract would pay his brother. Village Council approved the contract and awarded the work to the low bidder.

Had Village Council been told that the work had already been performed by law it could have refused to pay the contractor because change orders have to be approved by the legislative body of the political subdivision."

The Board received certified journal entries from SUBJECT PE documenting his guilty plea in the Cuyahoga County Court of Common Pleas to one (1) count of Tampering with Records, O.R.C. Section 2913.42, a fourth degree felony.

On November 15, 2012 SUBJECT PE was sentenced to one (1) year of community control, required to pay restitution in the amount of twenty-two thousand dollars (\$22,000.00) and court costs/fines in the amount of twenty-five hundred dollars (\$2,500.00.)

Motion by Mr. Snyder, second by Mr. Swearingen, to open an investigation, accept the charges preferred by the Board's investigator and issue a Notice of Opportunity for Hearing. Motion carried.

Professional Surveyor

Case No. 2010-080

On April 26, 2010 the Board received a complaint alleging that SUBJECT PS failed to correct a description and finish a survey that had been rejected by the Jefferson County Mapping Office. Attached to the complaint was evidence showing SUBJECT PS had contracted and accepted payment for the survey in question and was contacted about the corrections.

On May 13, 2010 Board staff mailed out a violation notice to SUBJECT requesting a written response to the allegations. He called the Board shortly after receiving the letter and stated, he would take care of it and explained that he would provide a written response to the Board as well.

On June 1, 2010 the Board received SUBJECT PS's written response. In the letter SUBJECT PS stated that he contacted the County Tax Map and worked with them to correct his survey and description. He further stated that the revised work product was mailed out on Friday May 28, 2010.

After not receiving confirmation of the changes, the Board staff contacted EJ Conn from the Jefferson County Tax Map office and the complainant to confirm SUBJECT PS had submitted the revised survey map and description as required. The Board staff received an email response from the complainant explaining SUBJECT PS had submitted the revised documentation which allowed complainant to record their deeds with the new descriptions.

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

Unlicensed Firm Case No. 2012-104

On May 7, 2012 the Board received a complaint alleging SUBJECT FIRM was offering and providing engineering services without a COA.

SUBJECT FIRM applied for a COA (which was granted on May 24, 2012) using their parent company's name; however, engineering services were offered under a DBA. SUBJECT FIRM did not register the DBA with the Ohio Secretary of State or this Board.

The Board requested a letter of explanation and a list of projects. On September 4, 2012 the Board received a response from SUBJECT FIRM wherein they stated that they offered and provided engineering services for the design and permitting of Liquid Natural Gas fueling facilities in 4 Ohio locations.

On September 25, 2012 the Board received a signed settlement agreement wherein SUBJECT FIRM agreed to accept a reprimand and pay a \$500.00 fine for violations of ORC 4733. The Board also received a name change application.

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

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

9. CORRESPONDENCE

- A. Letter from Dahoud Hakim concerning inability to obtain original transcripts from Syria. At the July meeting the Board requested additional information.

The Board reviewed Mr. Hakim's request and advised Mr. Greenhalge to inform Mr. Hakim that he must provide original transcripts to NCEES Credentials Evaluations and the Board.

- B. Letter from John Hester, P.E. re: site plan setbacks.

The Board reviewed and discussed Mr. Hester's letter and directed Mr. Greenhalge to work with Mr. Snyder to provide a response.

10. NEW BUSINESS

A. Joint Meeting of Engineering and Surveying Societies

The joint meeting of the engineering and surveying societies will be held Friday October 26, 2012 at the Holiday Inn Columbus-Worthington. Mr. Mawhorr will attend.

B. 2004 ABET VISITS

The following EAC/ABET institutions will receive a general accreditation visit in 2012:

<u>DATE</u>	<u>COLLEGE</u>
September 24-27	University of Toledo
October 9-11	Ohio State University
October 16-18	University of Cincinnati
November 6-8	Wright State University

11. UNFINISHED BUSINESS

None.

12. PUBLIC RELATIONS

On September 7, 2012 Mr. Greenhalge spoke at the OSPE Leadership Conference. On September 26, 2012 Mr. Greenhalge met with the Civil Engineering students at the University of Akron to discuss the registration process and spoke at the PLSO Miami Valley Chapter meeting. Nelson Kohman, P.E. spoke at the certificate ceremony on September 8, 2012.

13. UPCOMING BOARD MEETINGS

The next meeting is scheduled for Thursday October 18, 2012.

14. ADJOURNMENT

The Board adjourned at 12:45 p.m.

These minutes were written on September 28, 2012 and approved by the Board on November 1, 2012.

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

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

John F. Greenhalge
Executive Director