

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

Thursday November 1, 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
Nelson E. Kohman, P.E.	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, November 1, 2012 at 50 West Broad Street, Suite 1820, Columbus, Ohio 43215 in the Board conference room. Chairman Mawhorr called the meeting to order at 9:30 a.m.

The Board adjourned to go into a quasi-judicial proceeding to consider the report and recommendation concerning case numbers 11-086 and 11-091 at 9:35 a.m. The Board returned to regular session at 9:55 a.m.

Motion by Mr. Snyder, second by Mr. Kohman, to accept the hearing examiner's findings of fact, conclusions of law and recommendation. Motion carried.

***Roll call vote: Mr. Snyder- Yes
 Mr. Kohman- Yes
 Mr. Mawhorr – Yes***

1. APPROVAL OF MINUTES

The minutes of the September 27, 2012 Board meeting were presented for approval.

Motion by Mr. Snyder, second by Mr. Kohman, to approve the September 27, 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
Allen Rutz, P.E., Vorys, Sater, Seymour and Pease, LLC

Charles Unterreiner, P.E., P.S., American Structurepoint

3. BOARD REVIEW OF APPLICATIONS

A. Rhodes & Co., LLC- Certificate of Authorization Applicant

Motion by Mr. Kohman, second by Mr. Snyder, to approve the application and send a letter reminding the firm of its responsibility to renew the COA prior to July 1 each year. Motion carried.

4. 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. Kohman, to approve the registrations issued since the last Board meeting. Motion carried.

Mr. Swearingen entered the meeting at this time.

5. EXAMINATIONS

A. October 2012 Exam Approvals (October 2011 figures)

Mr. Greenhalge reported that the engineering and surveying exams were held on October 26 and 27 in Columbus, Cleveland and Cincinnati. There were no incidents to report.

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.

Mr. Greenhalge reported that Columbus State has offered to assist the Board in the preparation and administration of the OH PS exam when the NCEES PS exam is converted to computer. Mr. Greenhalge and Mr. Snyder will discuss the possibility of converting the OH PS exam to computer-based with the exam committee and meet with Michelle Teasley at Columbus State.

Michael D. Jones, P.S. submitted a resume and has expressed an interest in serving on the PS Exam Committee. His application was forwarded to Board members for review.

Motion by Mr. Kohman, second by Mr. Snyder, to appoint Michael D. Jones, P.S. to the Ohio PS Exam Committee. Motion carried.

C. Software Engineering Exam

NCEES will begin offering the Software Engineering PE exam in April 2013. Currently there are twenty-two colleges and universities offering an EAC/ABET Computer Software Engineering degree- none in Ohio. The Board does not have a record of receiving an exam application from a graduate of a Software Engineering Program in the past five years. Mr. Greenhalge reported that the evaluation of experience for applicants applying for the Computer Software Engineering PE exam will pose some unique challenges. Other states have reported concerns with evaluating applications due to a lack of PE references that practice software engineering and lack of PE supervision during the period the applicant is earning acceptable engineering experience. Mr. Greenhalge is also concerned about

approving software engineering experience for Ohio applicants that may not be accepted by other Boards, therefore causing potential roadblocks for Ohio licensees attempting to obtain licenses in other states. Mr. Greenhalge recommended that the Board postpone offering the software engineering examination in order to study this issue further and develop guidelines for evaluating software engineering experience.

The Board directed Mr. Greenhalge to notify NCEES that the Board will postpone offering the software engineering exam until further notice.

6. REPORTS

A. Executive Director's Report

1. Draft Report to Governor for Board review

Mr. Greenhalge distributed the final draft for Board review.

2. Personnel

Mr. Greenhalge reported that the Board has received three applications for the Program Administrator 3 position. The applications were sent to the Board for review. Interviews will be held Tuesday November 6, 2012.

7. ENFORCEMENT

Professional Engineer Case No. 11-031

The Board received a complaint alleging that an architectural firm may have provided engineering services without a COA. The Board's investigation revealed that SUBJECT PE providing engineering services to the unlicensed firm but failed to sign and seal his work product because the architect of record signed and sealed the plans instead.

SUBJECT PE agreed to enter into a settlement agreement wherein he agreed to accept a \$500.00 fine and receive a reprimand for aiding and abetting an unlicensed firm to practice engineering in Ohio and failing to affix his professional engineer seal, signature and date to engineering work product prepared by SUBJECT PE, a violation of R.C. 4733.14.

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

Professional Engineer Case No. 13-023

The Board received a complaint alleging that SUBJECT PE offered and provided engineering services at a time when his registration with this Board was inactive. SUBJECT PE submitted a reinstatement application indicating that he provided engineering services on four (4) projects while his registration was expired.

SUBJECT PE agreed to enter into a settlement agreement wherein he agreed to accept a \$250.00 fine and receive a reprimand for offering and providing engineering services in Ohio at a time when he did not possess an active registration in violation of R.C. 4733.

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

Randall Myers Case No. 08-068

On November 13, 2008 the Board issued a Final Order suspending Mr. Myers professional surveyor's registration until he was able to provide evidence to the Board that his license has been reinstated by the West Virginia Board of Professional Surveyors. The Board's order was in response to disciplinary action imposed by the West Virginia Board after finding that Mr. Myers engaged in misconduct, intentionally deficient or gross negligent performance, thirty-six (36) minimum standards violations and failing to respond to the Board's inquiry.

On October 11, 2012 Mr. Myers submitted a reinstatement application to the Board and provided proof that he had been reinstated by the West Virginia Board of Professional Surveyors.

Motion by Mr. Snyder, second by Mr. Kohman, to reinstate Mr. Myers PS registration on the condition that for two years after the registration is reinstated Mr. Myers submit a quarterly report to the Board listing all surveying projects he performed in Ohio. Motion carried.

Comity Applicant No Case No.

The Board received a comity application from APPLICANT wherein he reported that he had been convicted of a felony or a crime of moral turpitude. APPLICANT included records indicating he had been convicted of Sexual Misconduct, a Class A Misdemeanor in the state of New York due to a relationship with an underage girl while attending college.

On September 27, 2012 APPLICANT emailed Board staff and requested to withdraw his application.

No action taken and SUBJECT's application will be deemed withdrawn.

Surveying Firm Case No. 13-019

The Board received a complaint alleging that SUBJECT FIRM was offering and providing surveying services without a Certificate of Authorization (COA). The Board subsequently received a new COA application from SUBJECT PE/PS with a letter stating that he was unaware of the COA requirement and had just recently formed the surveying firm after retiring from ODOT.

SUBJECT FIRM agreed to enter into a settlement agreement accepting a \$250.00 fine for offering/providing surveying services at a time when SUBJECT FIRM did not possess a COA in violation of R.C. Sections 4733.16 and 4733.02.

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

Motion by Mr. Snyder, second by Mr. Kohman, to approve the firm's COA application. Motion carried.

Professional Engineer Case No. 13-020

On February 24, 2012 SUBJECT PE was notified by mail that he was selected for the continuing education audit. SUBJECT PE stated that he did not earn the continuing education and was retiring.

SUBJECT PE agreed to enter into a settlement wherein he agreed to pay a \$500.00 fine and voluntarily surrender his professional engineer registration in order to avoid administrative and legal action for engaging in fraud or deceit in obtaining registration and giving false information to the Board in order to obtain registration.

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

Douglas Fries Case No. 12-100

On February 24, 2012 SUBJECT PE was notified by mail that he was selected for the continuing education audit. On February 29, 2012 the Board received a faxed response from SUBJECT PE stating that he did not earn the required fifteen continuing education hours.

On September 27, 2012 the Board charged Mr. Fries with failing to complete the continuing education requirement, engaging in fraud or deceit in obtaining registration, giving false information to the Board in order to obtain registration and failing to provide information to the Board upon request.

Motion by Mr. Snyder, second by Mr. Kohman, to issue a final order to revoke Mr. Fries' PE registration. Motion carried.

Surveying Firm Case No. 13-015

On July 2, 2012 the Board received a Certificate of Authorization application from 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. The Board received a response from the owners of SUBJECT FIRM wherein they stated that they offered and provided 1,455 mortgage location surveys while unlicensed.

No action taken.

8. CORRESPONDENCE

A. Letter from Don Pickenpaugh.

Mr. Greenhalge will draft a response for Board review.

9. NEW BUSINESS

A. Joint Meeting of Engineering and Surveying Societies

The joint meeting of the engineering and surveying societies was held Friday October 26, 2012 at the Holiday Inn Columbus-Worthington. Mr. Mawhorr provided a report to the Board.

10. UNFINISHED BUSINESS

None.

11. PUBLIC RELATIONS

On October 12, 2012 Mr. Greenhalge and Mr. McLean conducted a presentation on the Board's laws and rules and the Board's enforcement process at the PLSO Fall Conference. Mr. Greenhalge is scheduled to conduct a presentation at the OSPE Fall CPD Conference on November 9, 2012. On November 13, 2012 Mr. Snyder will speak

to the PLSO Askega Chapter about the CPD requirement. Mr. Greenhalge will also speak at the Columbiana County Engineer's CPD night on November 14, 2012.

12. APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Report of October 31, 2012 was presented for review and approval by the Board.

Motion by Mr. Kohman, second by Mr. Swearingen, to approve the October 31, 2012 CRC report as presented. Motion carried.

Mr. Snyder abstained.

13. UPCOMING BOARD MEETINGS

The next meeting is scheduled for Thursday November 15, 2012.

The Board canceled the November 15 meeting and asked Mr. Greenhalge to find a date in December to coincide with Ms. Jones' retirement party.

14. ADJOURNMENT

The Board adjourned at 12:14 p.m.

These minutes were written on November 2, 2012 and approved by the Board on December 13, 2012.

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

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

John F. Greenhalge
Executive Director