

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

Tuesday October 15, 2013

Members Present:

James D. Mawhorr, P.E., P.S.	Chair
Frank D. Snyder, Jr., P.S.	Secretary
Bert Dawson, P.E., P.S.	Member
Nelson E. Kohman, P.E.	Member

Staff Present

John F. Greenhalge	Executive Director
Amanda Ault	Assistant Executive Director
Jason P. McLean	Enforcement Supervisor
Karen Schick	Program Administrator
Rachel Huston	Assistant Attorney General

CALL TO ORDER

The State Board of Registration for Professional Engineers and Surveyors held its regular meeting on Tuesday October 15, 2013 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.

1. APPROVAL OF MINUTES

The minutes of the August 13, 2013 Board meeting were presented for approval.

Motion by Mr. Dawson, second by Mr. Kohman, to approve the August 13, 2013 meeting minutes as presented. Motion carried.

2. RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Present at the meeting:

Melinda Gilpin, Executive Director, Professional Land Surveyors of Ohio
Holly Ross, Ohio Society of Professional Engineers

Andy Getsy, P.E. (10:05 a.m. — 10:30 a.m.)

Mr. Getsy addressed the Board concerning his request for a letter from the Board stating that he is capable of performing geotechnical engineering on his property to save his home. Mr. Getsy's home has suffered considerable damage due to slope failure and the City of Eastlake, Ohio is requesting that Mr. Getsy obtain a geotechnical report addressing the slope and its stability. Mr. Getsy would like to prepare the report himself and presented the Board with several certificates from Red Vector indicating that he had completed coursework in structural engineering. Mr. Getsy is a practicing mechanical engineer. The Board reviewed the information submitted by Mr. Getsy and requested copies of the City's order and other documentation addressing the slope failure provided by the City's consultant.

3. BOARD REVIEW OF APPLICATIONS

A. Satish C Dhodapkar- Comity Applicant

Dhodapkar is applying for registration as a professional engineer in Ohio. Dhodapkar is currently licensed in Indiana, Texas and Wisconsin. Dhodapkar has a Bachelor of Engineering from Jiwaji University in India. The evaluation by NCEES Center for Professional Engineering Education Services indicates that his degree is not considered equivalent to an ABET accredited program. The identified deficiencies are:

*12 semester credit hours in mathematics and basic sciences
14 semester credit hour in humanities and social science*

The Board reviewed the application and determined that the application is incomplete based on the deficiencies cited in the NCEES Credentials Evaluations report.

B. Reza Motarjem- Comity Applicant

Motarjem is applying for registration as a professional engineer in Ohio. Motarjem is currently licensed in Maryland. Motarjem has a Bachelor of Science degree in Civil Engineering from Tabriz University in Iran (1993). The evaluation by NCEES Credentials Evaluations indicates that his degree is not considered equivalent to an ABET accredited program. The identified deficiencies are:

The program did not include a general chemistry course.

Motion by Mr. Kohman, second by Mr. Snyder, to approve the application for registration as a professional engineer. Motion carried.

C. Evans CivilPro Engineers LLC and Henderson & Bodwell, LLP

Richard Evans, P.E. and James Toerner, P.S. are requesting Board approval for a COA for Evans CivilPro Engineers LLC and for both individuals to be listed as responsible for engineering and surveying activities and decisions for both firms while they complete the outstanding projects for Henderson & Bodwell, LLP.

Motion by Mr. Snyder, second by Mr. Kohman, to approve the COA application for Evans CivilPro Engineers, LLC and to approve Henderson & Bodwell's COA application through December 31, 2013. Motion carried.

D. Pier Structural Engineering Corp.

Pier Structural Engineering Corp. is requesting reinstatement of the firm's COA, which expired on June 30, 2011. The firm reported that they performed engineering on 70 projects in Ohio while their COA was expired.

No action taken.

E. Ackison Surveying LLC and Green Land Surveying Company, LLC

Jeffrey Green, P.S. is requesting Board approval to be listed on both firms as the person responsible for surveying activities and decisions for the firms.

No action taken.

4. APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Reports of August 21 and October 11, 2013 were presented for approval.

Motion by Mr. Dawson, second by Mr. Snyder, to approve the Credentials Review Committee Reports of August 21 and October 11, 2013. 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. Kohman, second by Mr. Dawson, to approve the registrations issued since the last meeting. Motion carried.

6. EXAMINATIONS

A. ABET visits scheduled for fall 2013

Commission: EAC
School: Miami University
Occurrence: Interim
Dates: 10/27/2013 — 10/29/2013

Commission: EAC
School: University of Akron

Occurrence: General review
Dates: 10/20/2013 — 10/22/2013

Commission: EAC
School: Youngstown State University
Occurrence: General review
Dates: 10/27/2013 — 10/29/2013

B. OH PS Exam Workshop

The next OH PS Exam Workshop is scheduled for Saturday November 16, 2013 at the Marriott Hotel in Dublin, Ohio.

The Board has received a request from Tim Schram, P.S. to join the OH PS Exam Workshop Committee.

Motion by Mr. Dawson, second by Mr. Kohman, to appoint Tim Schram, P.S. to the Ohio PS Exam Committee. Motion carried.

7. REPORTS

A. Executive Director's Report

Mr. Greenhalge reported that HB 202 and Senate Bill 154 are both scheduled for hearings on Wednesday October 16, 2013. HB 202 is scheduled for a vote on Wednesday October 16, 2013.

Mr. Greenhalge and Ms. Ault reported that they are reviewing approximately 250 applications received for the investigator position. Interviews will be conducted in the next two weeks.

Mr. Greenhalge discussed proposed changes to the exam evaluation process based on changes to NCEES model law, procedures related to exams and the migration to computer-based testing. Mr. Greenhalge will provide a written summary to the Board at the November meeting.

Mr. Greenhalge distributed the 1st quarter financial summary.

Mr. Greenhalge reported that the changes to the rules pertaining to the move to computer-based testing are drafted and a business impact analysis (BIA) has been completed. The BIA will be submitted to the Lieutenant Governor's office next few weeks.

B. NCEES Annual Meeting Report

Mr. Mawhorr, Mr. Greenhalge and Ms. Ault attended the 2014 NCEES Annual Meeting August 21-24, 2013. Mr. McLean attended the Friday and Saturday Law Enforcement programs.

Mr. Greenhalge reported that the council voted to change the NCEES model law to allow examinees to take the PE exam any time after graduating from an approved curriculum. This is a change from current model law which requires completion of a minimum of four years of engineering experience prior to taking the PE exam.

Mr. Mawhorr reported that the motion proposed by Ohio to study a change to the NCEES bylaws to allow each state or territory a maximum of two votes before council failed. Mr. Greenhalge provided background information. This motion had it passed would have given each state or territory an equal vote before council. Currently NCEES is comprised of 69 member boards representing 54 states and territories. The current NCEES Bylaws provide one vote to each member board. Thirteen states (FL, TN, VT, NE, IN, MI, NH, RI, WV, TX, IL, ME, MD) have two boards, one representing engineers and another one representing surveyors. Illinois has three boards representing engineers, surveyors and structural engineers. Each member board, not each state or territory, has one equal vote. Under the current NCEES Bylaws 14 states have more than one vote on matters before the council. As an example of the inequality in voting, California has one member board — and one vote before council — representing 94,500 licensees and 35 colleges and universities offering accredited engineering and surveying programs. Vermont has two member boards- and two votes before council- representing 3,951 licensees and three colleges and universities offering accredited engineering and surveying programs.

Based on the vote totals at the annual meeting, the motion would have passed had each state been represented equally before NCEES.

NCEES has set the FE and FS exam fees at \$225.00. This is an increase of \$100.00 for the FE and an increase of \$35.00 for the FS. The costs should be offset by reduced expenses for examinees related to travel, lodging, time off work, etc.

8. ENFORCEMENT

A. Review of investigation report

David DeChristofaro, P.E., P.S. Case No. 2011-008

On August 28, 2013 the Board received notification from Mr. DeChristofaro that he had signed a settlement agreement involving an investigation with the Ohio Ethics Commission. Mr. DeChristofaro agreed to accept a public reprimand in lieu of a referral of the matter to the local prosecutor. Mr. DeChristofaro is currently serving a Board-ordered two year probation as a result of his convictions for Theft and Conflict of Interest.

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

Unlicensed Firm **Case No. 2013-049**

On April 1, 2013 the Board received a complaint alleging SUBJECT FIRM was offering and providing engineering services in Ohio without a COA.

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

Unlicensed Firm **Case No. 2013-054**

On April 4, 2013 the Board received a new Certificate of Authorization application from SUBJECT FIRM to provide engineering services in Ohio. On April 9, 2013 Executive Director John Greenhalge received a telephone call alleging SUBJECT FIRM was offering surveying services in Ohio while unlicensed.

The Boards records indicate that SUBJECT FIRM does not have a Certificate of Authorization (COA); however, they are registered with the Ohio Secretary of State.

An initial review of SUBJECT FIRM's website indicated that the firm offers high definition 3D laser scanning for a wide variety of settings. The website indicated that SUBJECT FIRM can survey large-scale structures and their landscapes, provide high definition 3D data, and they can provide topographical scans that are more comprehensive than a traditional survey and/or can be tied to a traditional survey for 3D mapping.

On September 6, 2013 the Board staff met with members of the firm to discuss the complaint. The owner explained that they only intend to offer scanning services and that their clients are architects, engineers and construction management firms. The firm is very interested in making sure they are in compliance with Ohio law.

Motion by Mr. Snyder, second by Mr. Dawson, to approve the COA. Motion carried.

The Board directed the staff to the send the firm a letter reminding them of Ohio's laws and rules pertaining to the practice of surveying.

Unlicensed Firm **Case No. 2013-068**

On June 20, 2013 the Board received a complaint alleging that SUBJECT FIRM may be offering and providing engineering services in Ohio with no certificate of authorization (COA). The complaint included an engineering evaluation of the structural condition of a wind turbine in Haviland, OH. The Board's records indicated that SUBJECT FIRM does not have a COA. The Board staff sent SUBJECT FIRM a letter requesting information detailing the type of services they offer. On September 4, 2013 the Board received SUBJECT FIRM's response in which they stated that the firm occasionally provides forensic consulting services for the purpose of assuring compliance with drawings or specifications. They did not believe their evaluation of the wind turbine is the practice of professional engineering.

Secondary to the complaint, Board staff found that SUBJECT FIRM is using the term engineering in its name. Mr. Moore is a licensed professional engineer in Illinois and explained that if it is necessary SUBJECT FIRM would apply for a COA.

Attached to the complaint was a marked up aerial photo that complainant said he received from SUBJECT as documentation of the survey performed.

On May 20, 2013 Board staff mailed SUBJECT a letter by certified mail requesting SUBJECT to submit a notarized written response. The letter specifically requested SUBJECT to include a copy of any and all project files, plats, correspondence and all other documents and information he utilized to perform the surveying services for the residence in question. SUBJECT did not provide the requested information, but responded by email.

On June 12, 2013 Board staff emailed SUBJECT back and informed him that he must comply with OAC 4733-35 and submit a notarized written response to the allegations. The response should include a copy of any and all project files, plats, correspondence and all other documents and information you utilized to perform the surveying services for the residence in question.

After not receiving a response from SUBJECT, Board staff mailed a second letter to SUBJECT by certified mail on July 22, 2013 and again requested that SUBJECT provide a notarized written response to the allegations and provide the Board with a copy of any and all project files, plats, correspondence and all other documents and information utilized to perform the surveying services for the residence in question.

On August 10, 2013 SUBJECT submitted an email to the Board that still did not comply with the Board's request. On August 12, 2013 Board staff emailed SUBJECT back advising him that his response was unacceptable and that he needed to provide the information requested by the Board in accordance with OAC 4733-35. Respond did not provide the requested information.

As of October 1, 2013 SUBJECT has not responded or complied with the Board's request to provide a notarized written response and or provide copies of the requested project documents.

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

Mark Andre PE Exam Applicant

On February 21, 2013 the Board voted to deny Mr. Andre's application after its review determined the listed experience was not acceptable and did not meet the requirements of R.C. 4733.11. On May 2, 2013 a hearing was held regarding this Board's denial of Mr. Andre's application to sit for the PE exam.

On August 14, 2013 the Board received the Hearing Examiners Report and Recommendations and mailed it to Mr. Andre for his review and objections. The Board did not receive any objections from Mr. Andre.

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

Unlicensed Firm **Case No. 2013-041**

On February 6, 2013 the Board received a complaint alleging that SUBJECT FIRM was using the term *engineering* in its name. The Board's records showed that SUBJECT FIRM did not have a Certificate of Authorization. The Board staff sent SUBJECT FIRM a letter requesting information detailing the type of services they offer. On February 28, 2013 the Board received SUBJECT FIRM's response in which SUBJECT FIRM stated they are a controls integration firm for manufacturing companies and they do not offer or provide professional engineering services.

On August 30, 2013 SUBJECT FIRM signed a settlement agreement wherein they agreed to remove the term *engineering* from its name and correspondence on or before September 15, 2013.

On October 3, 2013 Board staff confirmed SUBJECT FIRM has complied with the agreement and has removed engineering from their name and website.

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

9. CORRESPONDENCE

- A. Letter from a professional engineer concerning the Ohio Facilities Construction Commission Conference.

The Board discussed the letter and noted that when the requirements were changed there was a period to comment and concerns should have been addressed at that point. At this point the Board has received no other complaints or concerns about OFCC policies. Complaints or concerns with OFCC's policies should be addressed to OFCC.

10. NEW BUSINESS

- A. Joint Meeting of Engineering and Surveying Societies

The joint meeting of the engineering and surveying societies will be held Friday November 15, 2013. The location and time will be determined.

- B. Draft of Governor's Report

Mr. Greenhalge distributed a draft of the Governor's Report for Board review and comment.

11. UNFINISHED BUSINESS

None discussed.

12. PUBLIC RELATIONS

Mr. Greenhalge met with students at The University of Akron on October 2 and Cleveland State University on October 3 to discuss the upcoming changes to the FE exams. Mr. Greenhalge is also conducting a presentation for the Dayton Society of Professional Engineers on the renewal process and Code of Ethics on October 10. Mr. Greenhalge and Mr. McLean will be conducting a presentation on the Code of Ethics and the investigative process at the PLSO Fall Conference on October 11.

13. UPCOMING BOARD MEETINGS

The next meeting is scheduled for Tuesday November 19, 2013.

14. ADJOURNMENT

The Board adjourned at 12:55 p.m.

These minutes were written on October 16, 2013 and approved by the Board on November 19, 2013.

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

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

John F. Greenhalge
Executive Director