

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

Tuesday November 19, 2013

Members Present:

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|------------------------------|-----------|
| 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 |
| Dean C. Ringle, P.E., P.S. | 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 November 19, 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.

Mr. Mawhorr welcomed Dean C. Ringle, P.E., P.S. to the Board. Mr. Ringle was appointed to the Board by Governor Kasich for a term beginning on October 30, 2013 and ending on September 24, 2015.

1. APPROVAL OF MINUTES

The minutes of the October 15, 2013 Board meeting were presented for approval.

Motion by Mr. Kohman, second by Mr. Dawson, to approve the October 15, 2013 meeting minutes as presented. Motion carried.

2. RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Present at the meeting:

Andy Getsy, P.E.

Andy Getsy, P.E. (9:35 a.m. — 9:55 a.m.)

Mr. Getsy was present as the Board discussed his request for a letter from the Board stating that he is capable of performing geotechnical engineering on his property. 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 at the October 15, 2013 meeting presented the Board with several certificates from

Red Vector indicating that he had completed coursework in structural engineering. At the meeting on October 15, 2013 the Board requested Mr. Getsy to provide copies of the City's order and other documentation received from the City of Eastlake.

The Board discussed Mr. Getsy's request. Chairman Mawhorr pointed out that Mr. Getsy's request is rather unique since the Board typically reviews an applicant's credentials for admission into the examinations leading to registration as a professional engineer or as part of a complaint filed with the Board alleging a violation of the registration act. The Board noted that from the information provided, as well as information contained in the Board's records, that Mr. Getsy's education, training and examinations are in the field of mechanical engineering and it appears that Mr. Getsy works in the field of mechanical engineering. With the exception of completing several correspondence courses, there was no evidence provided indicating that Mr. Getsy has any training, experience or education in geotechnical or structural engineering. Chairman Mawhorr pointed out that if Mr. Getsy was applying to take the geotechnical or structural examinations, which must be passed in order to obtain registration and practice in those fields, based on the information provided, the application would be denied.

After discussion the Board determined that the determination of whether or not Mr. Getsy can perform work on his home is a matter for the City of Eastlake to decide and outside of the Board's jurisdiction. While the Board sympathizes with his situation, based on the information provided the Board cannot provide the letter Mr. Getsy requested. The Board advised Mr. Getsy that he will be provided with a letter summarizing the Board's decision with a copy sent to the City of Eastlake.

3. BOARD REVIEW OF APPLICATIONS

A. Ayan Saif- Comity Applicant

Saif is applying for registration as a professional engineer in Ohio. Saif is currently licensed in Maryland. Saif passed the NCEES FE exam in April 2010 and the NCEES PE exam in April 2009. Since Saif took and passed the FE exam after the PE exam it appears that his effective registration date is June 2010.

Saif has a Bachelor of Engineering (Civil) from Bangladesh University of Engineering & Technology, Dhaka, Bangladesh. Saif had his undergraduate degree evaluated by NCEES Credentials Evaluations in July 2010. That evaluation identified the following academic deficiencies:

11 semester hours in mathematics and basic science
13 semester hours in humanities and social science

Saif passed the College-Level Examination Program (CLEP) tests in College Algebra and Calculus in August 2013. NCEES Credentials Evaluations performed another evaluation based on the completed courses. The evaluation identified the following academic deficiencies:

12 semester hours in general education.

Saif requested that the Board approve his education as meeting the requirements of RC 4733.11.

***Motion by Mr. Kohman, second by Mr. Dawson, to approve Mr. Saif's application for registration.
Motion carried.***

B. Unified Theory Inc.

On October 21, 2013 the Board received a reinstatement application from Unified Theory, Inc. (UTI). The Board's records indicated that UTI's COA #02342 expired on June 30, 2010. Unified Theory Inc. is requesting reinstatement of their Certificate of Authorization to practice engineering in Ohio.

Motion by Mr. Snyder, second by Mr. Kohman, to approve Unified Theory Inc.'s COA application. Motion carried.

The staff will also send Unified Theory, Inc. a letter reminding them of the requirements of R.C. 4733.16.

C. Ackison Surveying, LLC

Jeffrey Green P.S. requested to be in responsible charge of the surveying activities and decisions for Ackison Surveying, LLC and Green Land Surveying Company, LLC.

Ackison Surveying, LLC is owned by David R. Ackison. Ackison Surveying LLC's Certificate of Authorization (COA) expired on June 30, 2013. On August 22, 2013 the Board received Ackison Surveying, LLC's late renewal application. Jeffrey Green is listed as the professional surveyor in responsible charge of the surveying activities and decisions for Ackison Surveying, LLC. Mr. Green is the sole owner and employee of Green Land Surveying Company, LLC. Green Land Surveying Company, LLC's COA is current through June 30, 2014.

On October 15, 2013 the Board tabled the application for further review.

Motion by Mr. Ringle, second by Mr. Dawson, to approve Ackison Surveying, LLC's COA application. Motion carried.

4. APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Report of November 18, 2013 was presented for approval.

Motion by Mr. Dawson, second by Mr. Ringle, to approve the Credentials Review Committee Report of November 18, 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. Snyder, second by Mr. Kohman, to approve the registrations issued since the last meeting. Motion carried.

6. EXAMINATIONS

A. NCEES Exams

The NCEES Fundamentals and Principles and Practice exams were held on October 25 and 26 in Columbus, Cleveland and Cincinnati. There were no reported incidents. Mr. Greenhalge was present at the Cleveland exam site and reported that the Cleveland site was extremely cold because the facility did not have a working boiler at the time of the exams. Mr. Greenhalge and the proctors received numerous complaints about the cold. Examinees were forced to wear their jackets during the exams on both Friday and Saturday. Mr. Greenhalge advised NCEES that the site was unacceptable and the venue should be changed before the April exams.

Mr. Greenhalge provided a summary of the October 2013 exams and a three year comparison.

| Exam | Applied | | | Approved | | | Registered with NCEES | | |
|------|---------|------|------|----------|------|------|-----------------------|------|------|
| | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 | 2011 | 2012 | 2013 |
| FE | 516 | 574 | 527 | 496 | 547 | 509 | 389 | 446 | 418 |
| FS | 27 | 19 | 20 | 22 | 19 | 18 | 20 | 16 | 16 |
| PE | 432 | 406 | 413 | 397 | 374 | 389 | 346 | 326 | 347 |
| PS | 32 | 22 | 24 | 22 | 22 | 21 | 22 | 22 | 21 |

B. OH PS Exam Workshop

The OH PS Exam Workshop was conducted on Saturday November 16, 2013 at the Marriott Hotel in Dublin, Ohio. Mr. Snyder, Mr. Ringle and Mr. Greenhalge attended. The grades should be available in the next two weeks.

7. REPORTS

A. Executive Director's Report

Mr. Greenhalge distributed a copy of the audit for the years 2012 and 2013. The audit did not identify any deficiencies or non-compliance issues.

Mr. Greenhalge and Ms. Ault reported that they interviewed 11 applicants for the investigator position and selected Joel Mick. Mr. Mick will start on Monday December 2, 2013.

Mr. Greenhalge reported that the companion bills addressing computer-based testing for the NCEES Fundamentals exams are moving along with support. HB 202 passed the House and was referred to the Senate and Senate Bill 154 passed committee and will go to the Senate for vote.

Mr. Greenhalge will provide Mr. Snyder with documentation to perform an evaluation which is due in April 2014.

Mr. Greenhalge will be attending the NCEES Member Board Administrator's Committee meeting January 7 & 8, 2014 in Tampa, Florida. NCEES pays for the flight and hotel accommodations of all committee members.

Mr. Greenhalge presented staff recommendations related to the exam process based on NCEES's conversion to computer-based testing. Mr. Greenhalge provided the following summary:

ACCEPTABLE EDUCATION FOR PE AND PS EXAMS

At present the Board permits individuals with the following engineering and surveying degrees to take the exams and become registered in Ohio:

Engineering

1. Four-year Engineering Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET) accredited engineering degree. **R.C. 4733.11 (A)(1)(a)**
2. Four-year non-ABET/foreign engineering degree evaluated by NCEES Credentials Evaluations, or other Board-approved evaluator, as meeting the NCEES Engineering Education Standard. **R.C. 4733.11 (A)(2)(a) and OAC 4733-9-01 (A)**
3. Four-year Technology Accreditation Commission/Accreditation Board for Engineering and Technology (TAC/ABET) accredited engineering technology degree. **R.C. 4733.11 (A)(2)(a)**
4. Any undergraduate degree plus M.S. in engineering from a curriculum wherein the basic B.S. engineering curriculum for that institution is ABET-accredited. **Board policy**
5. Foreign engineering degree plus M.S. in engineering from a curriculum wherein the basic B.S. engineering curriculum for that institution is ABET-accredited. **Board policy**
6. Ph.D. degree in engineering from a curriculum wherein the basic B.S. engineering curriculum for that institution is ABET-accredited. **Board policy**
7. Degrees from Canadian schools accredited by the Canadian Engineering Accreditation Board (CEAB). **Board policy**

Note¹: Non-CEAB degrees from Canadian schools are treated the same as foreign degrees.

Note²: Graduates of a four-year engineering technology curriculum that is not accredited by ETAC/ABET are not eligible for exams or registration in Ohio.

Surveying

1. Graduation from an approved curriculum in surveying of four years or more. **R.C. 4733.11 (B)(1)(a)**

2. Civil engineering degree with 24 quarter hours or 16 semester hours of Board-approved surveying coursework — at least eight quarter hours (or semester/trimester equivalent) in surveying of land boundaries. **R.C. 4733.11 (A)(2)(a)**

Note³: The Board-approved surveying programs are ASAC/EAC/ETAC ABET accredited surveying programs and Cincinnati State/Northern KY and Glenville State College (WV).

Staff Recommendation:

- Require all candidates applying to take the engineering exams to have an EAC or ETAC accredited engineering degree of four years or more, an EAC accredited MS degree, or an engineering degree from outside of the United States evaluated by NCEES Credentials Evaluations and meeting the NCEES Education Standard and requirements of R.C. 4733.11.
- Require all exam applicants with engineering degrees from outside of the United States to have their degrees evaluated, regardless of whether or not they are enrolled in a MS or PhD program. The exam and comity guidelines would include this language:

The Board may, at its discretion, waive the requirement to remediate deficient coursework cited in an NCEES Credentials Evaluations report for applicants who have graduated from an engineering curriculum of four years or more from a college or university from outside of the United States if the applicant is enrolled in, or has graduated, from a master's or Ph.D. engineering curriculum where the basic B.S. engineering curriculum for that institution is EAC/ABET accredited.

- Eliminate approval to take the exams for individuals with non-accredited or non-engineering degrees at the undergraduate level who are enrolled in MS or PhD programs wherein the basic B.S. engineering curriculum for that institution is ABET-accredited until they have had their undergraduate degrees evaluated by NCEES Credentials Evaluations and are determined by the Board to meet the NCEES Education Standard and requirements of R.C. 4733.11.
- If the Board elects to make the changes recommended above, allow any exam applicants who were previously approved based on the current requirements as of the effective date to take the exams and apply for registration without requiring additional applications or a degree evaluation.

Reasoning Behind Recommendations:

After discussions with several professors it is evident that graduate engineering programs do not always require students with unaccredited undergraduate engineering degrees or non-engineering degrees to take foundation courses so that they enter the graduate engineering degree programs with the same level of undergraduate engineering coursework as those who have graduated from an accredited engineering program.

These recommendations are in line with NCEES Model Laws and Rules and would facilitate mobility of licensure. These changes would not significantly change current Board practices and ensures that all applicants for examination and licensure have essentially an undergraduate degree substantially

equivalent to those programs accredited by ABET. The main change is requiring the degree evaluation for foreign graduates enrolled in graduate programs.

Impact:

The Board receives few applicants with non-engineering undergraduate degrees and an MS or PhD from a curriculum wherein the basic B.S. engineering curriculum for that institution is ABET-accredited.

This change would mostly affect students with undergraduate degrees from outside of the U.S. currently enrolled in a graduate engineering degree program and would require them to have their undergraduate degrees evaluated by NCEES Credentials Evaluations; however, the change to the requirements would not necessarily prohibit them from taking the exams. Many would still meet the requirements after the evaluation and the Board could approve others at the Board's discretion based on the additional graduate coursework. Some would have to make up deficiencies based on the Education Standard. Applicants enrolled in, or graduated from, a graduate program could use the additional coursework to remediate any deficiencies found in the NCEES evaluation.

ELIGIBILITY TO TAKE THE FE AND FS EXAMS

NCEES is permitting applicants enrolled in an approved engineering curriculum to take the FE exam during their final year of enrollment (per NCEES model law).

ORC 4733.11 allows, at the discretion of the board, an applicant to be permitted to take the first examination (FE or FS) during the applicant's concluding term of an approved curriculum in engineering or surveying of four years or more. Current policy requires students to be in their final semester of an approved engineering or surveying program.

Staff Recommendation:

In accordance with NCEES procedures, permit exam applicants to take the FE and FS exams during their final year/term of enrollment in an approved engineering or surveying curriculum.

EXPERIENCE REQUIREMENT TO TAKE PE EXAMINATION

Currently RC 4733.11 requires that graduates of an EAC engineering curriculum complete four years of engineering experience before taking the PE exam. ETAC engineering technology graduates must complete eight years of experience before taking the PE exam.

Currently the Board does not permit exam applicants to take the PE exam until they have completed the requisite experience. It is a common practice among NCEES member boards to approve comity applicants with an EAC accredited engineering degree that have not completed four years of experience before taking and passing the PE exams. The emphasis is that they have completed four years of engineering experience before applying for licensure. For ETAC engineering technology graduates applying for registration by comity, Ohio requires that eight years of engineering experience was completed before taking and passing the PE exam. This results in a dozen applicants per year either not applying for registration in Ohio or applying and being denied registration. They are advised that they must re-take the PE examination.

At the 2013 NCEES Annual Meeting member boards passed a motion to change the NCEES model law to allow engineering graduates to take the PE examination any time after graduation and passing the FE exam. A survey by Washington's Executive Director in October 2013 asked member boards if they permitted exam applicants to take the PE exam before completing the experience requirement. At last count, of the 23 states that responded, 20 do not and 3 allow it. So, although most states require applicants applying to take the NCEES Principles and Practice of Engineering examination to complete the four years of engineering experience prior to approving the applicant to take the exam, the four year experience requirement is waived for applicants that apply for registration as a professional engineer by comity.

OAC 4733-09-01 requires that all requirements are completed 120 days before the exam deadline.

OAC 4733-09-1 Experience and Examinations

(C) Cut-off date for new or renewed applications for each examination is one hundred twenty days before the examination date. All experience or education and experience requirements must be met one hundred twenty days before the examination date.

For Consideration:

Whether or not to allow exam and comity applicants to take the PE exam before completing the requisite experience.

Motion by Mr. Snyder, second by Mr. Kohman, to accept the staff recommendation to require all non-EAC/ABET and non-ETAC/ABET engineering graduates to have their degrees evaluated by NCEES Credentials Evaluations and reviewed by the Board prior to admittance to the NCEES exams. Motion carried.

The Board will continue to allow applicants that have been previously approved by the Board to continue to take the FE examination without further approval.

Motion by Mr. Snyder, second by Mr. Ringle, to define term as referenced in R.C. 4733.11 as the final year of enrollment, meaning the final two semesters or quarter or trimester equivalents, in an approved engineering or surveying curriculum. Mr. Snyder- yes, Mr. Ringle- yes, Mr. Mawhorr- yes, Mr. Dawson- no, Mr. Kohman- no. Motion carried.

This will permit students enrolled in their final year (two semesters) to take the FE and FS exams prior to graduation.

Motion by Mr. Ringle, second by Mr. Dawson, to require that all engineering and surveying experience required pursuant to R.C. 4733.11 to be completed prior to taking and passing the NCEES Principles and Practice examinations for exam and comity applicants. Motion carried.

The staff and consultants reviewing exam and comity applications will ensure that all requisite engineering and surveying experience has been completed prior to taking and passing the NCEES Principles and Practice examinations.

8. ENFORCEMENT

A. Review of investigation report

Professional P.E., P.S. Case No. 14-031

On October 23, 2013 SUBJECT notified the Board that on April 27, 2012 SUBJECT voluntarily surrendered his Florida professional land surveying license. SUBJECT failed to report this action to the Ohio Board within sixty (60) days as required. SUBJECT renewed his professional engineer and surveyor's license in January 2012 and is current through December 31, 2013.

At the time SUBJECT relinquished his Florida Professional Surveyor license he was under investigation by the State of Florida Department of Business and Professional Regulation Board of Professional Surveyors and Mappers due to three (3) complaints filed against SUBJECT.

1. Case #1-2008-050713: The formal complaint alleged twenty-three (23) counts of failing to meet the State of Florida's Minimum Technical Standards (MTS).
2. Case #2-2009-027467: The formal complaint alleged ten (10) counts of failing to meet the State of Florida's Minimum Technical Standards (MTS) and other laws and rules.
3. Case #3-1101-03132: The formal complaint alleged seven (7) counts of failing to meet the State of Florida's Minimum Technical Standards (MTS.)

According to the agreement with the Florida Board, SUBJECT relinquished his professional surveyor's license and agreed to never apply to the Florida Board for reinstatement of his Florida professional surveyor and mapper license

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

Unlicensed Firm Case No. 13-068

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 Board's records indicate that SUBJECT FIRM does not have a COA or any prior disciplinary action.

SUBJECT FIRM reported that they provided professional engineering services on one (1) project.

On November 7, 2013 the Board received a COA application and a signed settlement agreement wherein SUBJECT FIRM agreed to pay a \$250.00 fine and receive a reprimand for violations of R.C. 4733

Motion by Mr. Snyder, second by Mr. Dawson, to open an investigation, accept the settlement agreement, close the investigation and approve the certificate of authorization application. Motion carried.

Surveying Firm Case No. 13-074

On July 16, 2013 the Board approved SUBJECT FIRM's request to add surveying services to its existing Certificate of Authorization. The Board staff received a complaint alleging that SUBJECT FIRM was providing and advertising surveying services prior to obtaining approval from the Board to provide surveying services.

SUBJECT FIRM reported that they provided professional surveying services on twenty-eight (28) projects in Ohio while the firm did not have a COA to provide surveying.

On November 5, 2013 the Board received a signed settlement agreement wherein the firm agreed to pay a \$1000.00 fine and receive a reprimand for violations 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.

Engineering/Surveying Firm Case No. 14-017

On October 23, 2013 the Board received a telephone call from SUBJECT FIRM in which they stated they did not renew their Certificate of Authorization (COA) by June 30, 2013. The Board's records indicate SUBJECT FIRM's registration expired on June 30, 2013. The Board staff requested SUBJECT FIRM to send in a late renewal application and fee, a letter of explanation and a list of projects that SUBJECT FIRM had completed in Ohio while their COA was expired.

On October 28, 2013 the Board received the requested documents. SUBJECT FIRM reported they provided professional engineering and surveying services on eleven (11) projects in Ohio during the time their COA was expired.

On November 5, 2013 the Board received a signed settlement agreement from SUBJECT FIRM wherein the firm agreed to accept a \$2000.00 fine and receive a reprimand for violations 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.

Surveying Firm Case No. 14-018

On October 7, 2013 the Board received a late Certificate of Authorization (COA) renewal application from SUBJECT FIRM. The Board's records show that SUBJECT FIRM's registration expired on June 30, 2013.

SUBJECT FIRM reported that they provided professional surveying services on four (4) projects in Ohio while the firm's COA was expired.

On October 15, 2013 the Board received a signed settlement agreement from SUBJECT FIRM wherein the firm agreed to accept a \$250.00 fine and receive a reprimand for violations 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.

Engineering Firm Case No. 14-037

On October 18, 2013 the Board received a late Certificate of Authorization (COA) renewal application from SUBJECT FIRM. The Board's records indicate SUBJECT FIRM'S COA expired on June 30, 2013. SUBJECT FIRM reported they provided professional engineering services on five (5) engineering projects located in Ohio while the firm's COA was expired.

On November 6, 2013, the Board received the signed settlement agreement wherein the firm agreed to pay a \$250.00 fine and receive a reprimand for violations 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.

Engineering Firm Case No. 14-038

On October 18, 2013 the Board received a late Certificate of Authorization (COA) renewal application from SUBJECT FIRM. The Board's records indicate SUBJECT FIRM'S COA expired on June 30, 2013. SUBJECT FIRM reported they provided professional engineering services in Ohio while the firm's COA was expired.

On November 6, 2013, the Board received a signed settlement agreement wherein the firm agreed to pay a \$3,500.00 fine and receive a reprimand for violations 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.

Pier Structural Engineering Corp. Case No. 14-019

On August 2, 2013 the Board staff received a telephone call from Pier Structural Engineering Corp. (PSEC) in which they requested reinstatement of their Certificate of Authorization (COA). The Board's records indicated that PSEC's COA #02342 expired on June 30, 2011. The Board staff requested a new COA application, a letter of explanation and a list of engineering projects completed while unlicensed. On August 7, 2013 the Board received the new COA application and a letter of explanation from owner Martin Piercey, P.E. The firm reported that they provided professional engineering services in Ohio while the firm's COA was expired.

On November 14, 2013 the Board received a signed settlement agreement wherein the firm agreed to pay a \$3500.00 fine and receive a reprimand for violations of R.C. 4733.

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

Registered Firm Case No. 14-039

On October 28, 2013 the Board received a late Certificate of Authorization (COA) renewal application from SUBJECT FIRM and a name change application. The Board's records show that SUBJECT FIRM's registration expired on June 30, 2013.

While SUBJECT FIRM's COA was expired and prior to Board approval of its name change, SUBJECT FIRM reported that they provided professional engineering services on three projects in Ohio.

On November 14, 2013 the Board received a signed settlement agreement wherein the firm agreed to accept a \$250.00 fine and receive 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 approve the Certificate of Authorization with name change. Motion carried.

Registered Firm Case No. 14-041

On November 1, 2013 the Board received a late Certificate of Authorization (COA) renewal application from SUBJECT FIRM. The Board's records show that SUBJECT FIRM's registration expired on June 30, 2013.

SUBJECT FIRM reported that they provided professional engineering services on five projects in Ohio while the firm's COA was expired.

On November 18, 2013 the Board received a signed settlement agreement wherein the firm agreed to accept a \$250.00 fine and receive a reprimand for violations of R.C. 4733.

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

Professional Engineer Case No. 12-027

On September 16, 2011 the Board received a complaint alleging that SUBJECT may be in violation of Ohio law by misusing his Ohio professional engineer's seal. The complainant stated that he provides design and shop drawings of a proprietary retaining wall system commonly used on highway projects. Complainant stated that he routinely receives copies of his engineering plans after they have been reviewed by either the Ohio Department of Transportation or the State-hired consultant that contain the seal and signature of another engineer who is not an employee of his company, and who is not authorized to seal or sign the plans. Additionally, the complainant stated SUBJECT often makes revisions, additions and/or modifications to complainant's designs without notifying him or his company.

On November 18, 2013 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.

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

Professional Engineer

Case No. 14-016

On June 24, 2013 SUBJECT reported he received additional disciplinary action in the States of Kansas and Missouri. SUBJECT had previously reported to the Ohio Board that he was on probation in the States of Missouri and Kansas after a 2010 Missouri disciplinary action based on SUBJECT illegally practicing architecture that resulted in settlement agreement and five (5) year probationary period with the following conditions:

1. SUBJECT shall not practice architecture, even architectural work that is incidental and necessary to any engineering work SUBJECT is performing.
2. SUBJECT must keep the Board apprised at all times of each employer and SUBJECT's full contact information.
3. Shall timely renew license, pay all fees and comply with all requirements necessary to maintain licensure. SUBJECT shall comply with all provisions, rules, and regulations of the Board; and all local, state, and federal laws. "State" as used herein refers to the State of Missouri and all other states and territories of the United States.
4. SUBJECT must appear for Board interviews upon request and comply with unannounced visits.
5. SUBJECT must submit written reports stating compliance; provide a list all engineering projects in the State of Missouri and any of the records pertaining to those projects.
6. IF SUBJECT violates any of the above terms then the Missouri Board after an evidentiary hearing can vacate/set aside the herein discipline and may suspend, revoke or otherwise discipline SUBJECT's license as a professional engineer.

The Kansas Board took reciprocal action and placed SUBJECT on probation to run concurrent with the State of Missouri's probation with the same conditions for the five (5) years.

On July 7, 2012 the Kansas State Board of Technical Professions issued a Final Order placing SUBJECT on probation for a period of two (2) years, pay fees, expenses and a fine amounting to \$25,000.00 for violations of Kansas law for signing and sealing fire protection documents which were deficient and contained numerous life safety issues.

As a result of the second disciplinary action issued by the Kansas Board in July 2012, the Missouri Board filed a probation violation complaint and subsequently revoked SUBJECT's professional engineer's license on May 30, 2013.

The following states have also taken disciplinary action against SUBJECT for matters related to the above actions by Missouri and Kansas.

- In 2010 New Hampshire fined SUBJECT for failing to disclose Missouri action.
- In 2010 Virginia took reciprocal action to Missouri.
- In 2011 Georgia took reciprocal action to Missouri.
- In 2011 Indiana took reciprocal action to Missouri.

- In 2011 Wisconsin took reciprocal action to Missouri.
- In 2012 North Carolina Reprimanded and Restricted SUBJECT's license for failing to disclose the Missouri discipline.
- In 2013 Mississippi did not renew SUBJECT's license because of the second Kansas discipline.
- In 2013 Texas took reciprocal action to Kansas.
- In 2013 Iowa took reciprocal action to Kansas.
- In 2013 Oklahoma took reciprocal action to Kansas and suspended SUBJECT for failing to report.
- In 2013 Nevada took reciprocal action to Kansas.

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

Examinee _____ Case No. 14-035

On October 25, 2013 the Board received a complaint alleging that an examinee (SUBJECT) may have provided false information to the Board on an application to sit for an exam.

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

9. CORRESPONDENCE

- A. Letter from Gandee & Associates, Inc.

The Board received a letter from Gandee & Associates, Inc. concerning the licensing of individuals that provide design services for environmental remediation work. Mr. Greenhalge distributed the letter to the Board for discussion at the January meeting.

10. NEW BUSINESS

- A. PUCO Nominating Council

Pursuant to Ohio Revised Code Section 4901.021 (C), the Board Chair or his designee serves each year on the PUCO Nominating Council. Mr. Mawhorr will serve on the nominating council for the upcoming year.

- B. Health Department Draft Sewage Treatment System Rules

Mr. Mawhorr reported that the Ohio Department of Health has posted the draft sewage treatment system rules for comment for 30 days.

11. UNFINISHED BUSINESS

- A. Joint Meeting of Engineering and Surveying Societies

The joint meeting of the engineering and surveying societies was held Friday November 15, 2013. Mr. Mawhorr, Mr. Ringle and Mr. Greenhalge attended and gave a short report.

- B. Draft of Governor's Report

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

12. PUBLIC RELATIONS

Mr. Greenhalge spoke to the Ohio State University PLSO student chapter about the conversion to computer-based testing on October 30. Mr. Greenhalge spoke at the OSPE fall conference on November 8 and is scheduled to speak with Mr. McLean at two PLSO CPD conferences on December 13 and December 20. Mr. Greenhalge is also speaking at the Columbiana County Engineer's CPD night November 21 and the Central Ohio PLSO Chapter December 5.

13. UPCOMING BOARD MEETINGS

The next meeting is scheduled for Tuesday January 21, 2014.

14. ADJOURNMENT

The Board adjourned at 1:00 p.m.

These minutes were written on November 20, 2013 and approved by the Board on January 21, 2014.

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

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

John F. Greenhalge
Executive Director