

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

Tuesday January 21, 2014

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
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
Joel Mick	Investigator
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 January 21, 2014 at 50 West Broad Street, Suite 1820, Columbus Ohio 43215 in the Board conference room. Chairman Mawhorr called the meeting to order at 9:45 a.m. The start of the meeting was delayed due to inclement weather.

**1. ELECTION OF OFFICERS**

In accordance with Ohio Revised Code Section 4733.06, the Board elected officers for 2014.

***Motion by Mr. Ringle, second by Mr. Dawson, to elect Nelson Kohman as Board Chair. Motion carried.***

***Motion by Mr. Ringle, second by Mr. Snyder, to elect Bert Dawson as Vice-Chair. Motion carried.***

***Motion by Mr. Dawson, second by Mr. Kohman, to elect Dean Ringle as Board Secretary. Motion carried.***

***Motion by Mr. Dawson, second by Mr. Ringle to appoint John Greenhalge as Executive Director. Motion carried.***

***Motion by Mr. Ringle, second by Mr. Dawson, to authorize the Executive Director to make editorial changes to motions and minutes for the period beginning January 21, 2014 and ending on December 31, 2014.***

## 2. APPROVAL OF MINUTES

The minutes of the November 19, 2013 Board meeting were presented for approval.

***Motion by Mr. Ringle, second by Mr. Snyder, to approve the November 19, 2013 meeting minutes as amended. Motion carried.***

## 3. RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Melinda Gilpin, Professional Land Surveyors of Ohio  
Holly Ross, Ohio Society of Professional Engineers  
John Izza, Graff & McGovern  
Levi Tkech, Graff & McGovern

## 4. BOARD REVIEW OF APPLICATIONS

Michael L. Mann PE Exam Applicant

Mann applied to take the NCEES Principles and Practice of Engineering (PE) examination. Mann's application was reviewed by an evaluator. Based on the information provided in the application Mann was found to be short of the 4 year experience requirement. Mann has requested the Board to reevaluate his application.

*The Board reviewed Mann's application and determined that it was incomplete.*

Jack N. Brown PE Exam Applicant

Brown applied to take the NCEES Principles and Practice of Engineering (PE) examination. Brown is requesting engineering experience credit from November 2010 to December 2013, a period where he did not work under the direction of a professional engineer. His previously supervisor who signed off on his experience between September 2009 and November 2010 was a professional engineer but left the company and was not replaced by a professional engineer.

*The Board reviewed Brown's application and determined that it was incomplete.*

Keith Libben PE Exam Applicant

Libben has applied to take the NCEES Principles and Practice of Engineering (PE) examination. Libben's application was reviewed by an evaluator. Based on the information provided in the application Libben was found to be short of the 4 year experience requirement. Libben has requested the Board to reevaluate his application.

*The Board reviewed Libben's application and determined that it was incomplete.*

William Haas PE Exam Applicant

Haas has applied to take the NCEES Principles and Practice of Engineering (PE) examination. None of Haas's experience is under the direction of a professional engineer.

*The Board reviewed Haas's application and determined that it was incomplete. It appears that Haas's experience is primarily in installation and materials, and not engineering design.*

Ryan Calkins PE Exam Applicant

Calkins has applied to take the NCEES Principles and Practice of Engineering (PE) examination. Calkins has primarily worked in the field of energy reporting and auditing. None of Calkins' experience is under the direction of a professional engineer.

*The Board reviewed Calkins' application and determined that it was incomplete.*

Anthony Calvelage FE Exam Applicant

Calvelage has a B.S. from Bowling Green State University in Construction Management Technology. The program is not ETAC/ABET accredited. Calvelage would like to pursue PE licensure and is looking at completing a master's degree in order to be eligible to sit for the NCEES exams. In his letter to the Board he has asked whether his experience requirement would begin at the time of his graduation from BGSU or after he completes the master's program.

*The Board reviewed Calvelage's letter and directed Mr. Greenhalge to send Calvelage a letter advising him that based on the information he provided it appears that in order to meet the degree requirements for registration as a professional engineer as set forth in R.C. 4733.11 Calvelage would need to complete an EAC/ABET accredited undergraduate engineering curriculum of four years or more or complete an EAC/ABET accredited master's program in engineering. In accordance with RC 4733.11 the Board will consider up to two years engineering experience obtained after graduation from the Construction Management and Technology program at Bowling Green State University provided the engineering experience meets the requirements of RC and AC 4733. The experience must be in engineering and must be performed under the direction and supervision of a professional engineer. Working with outside consultants and managing or reviewing their projects performed for the sewer district typically will not qualify as acceptable engineering experience. Please refer to our website and exam guidelines for more detail.*

*Mr. Snyder commented that he is familiar with Mr. Calvelage's employer and has spoken with employees there and he believes that they do no in-house engineering, but rather use outside consultants to provide engineering services and act as project managers. This should be addressed with Calvelage.*

North Bay Engineering, LLC and North Bay Construction, Inc. Certificate of Authorization

James Manns, P.E., President, Michael Kovatch, P.E., Vice-President, and Kevin Anthony, P.E. are requesting to be approved as the professional engineers in responsible charge of the engineering activities and decisions for North Bay Engineering, LLC (NBE) and North Bay Construction, Inc. (NBC).

On November 25, 2013 the Board received a new Certificate of Authorization (COA) application for NBE. The application lists Mr. Manns, Mr. Kovatch, and Mr. Anthony as the professional engineers in responsible charge of the engineering activities and decisions. A review of the elicensing database shows that Mr. Manns, Mr. Kovatch, and Mr. Anthony are the professional engineers in responsible charge of the engineering activities and decisions for NBC COA # 03986. The Board staff requested a letter of explanation. The letter was received via email in which Mr. Manns explained that both companies are located at the same address and are owned by himself as well as Mr. Kovatch. NBC provides engineering services for making in-house changes for construction projects and NBE will provide design services.

***Motion by Mr. Snyder, second by Mr. Ringle, to approve the certificate of authorization.  
Motion carried.***

Michael Baker Jr., Inc. Certificate of Authorization

On December 14, 2013 the Board received a call from Mick Barber, Vice President of Michael Baker Jr., Inc., who explained that Michael Baker Jr., Inc. (MBJ) has a certificate of authorization (COA) to practice engineering in Ohio, but does not have a COA to provide surveying in Ohio. Mr. Barber reported that MBJ has been offering surveying for quite a while. Mr. Barber reported that the reason MBJ did not have a COA for surveying was his belief that the firm was exempt pursuant to R.C. 4733.16 (B). The Board requested a COA application and letter of explanation with a list of projects. MBJ did not provide a list of projects. A temporary COA was granted until the Board could review the matter.

Based on records on the Ohio Secretary of State's website, MBJ's original filing date was December 29, 1972. After reviewing the response from MBJ and the R.C. 4733.16 with legal counsel, Board staff concluded that MBJ is not exempt unless the firm has been legally providing surveying services in Ohio since 1943.

*After reviewing the letter submitted by the firm it does not appear that Michael Baker Jr., Inc. is exempt from the requirement to obtain a COA to provide surveying services in Ohio. The Board directed the staff to gather additional information while the firm continues to operate under the temporary permit.*

Gary Neffenger PE Reinstatement

Mr. Neffenger's professional engineer license expired on December 31, 2011. He is requesting Board approval to reinstate his PE license. Mr. Neffenger submitted continuing professional development hours from a conference he attended in January 2013. The conference was titled "2013 Claims Conference" and was hosted by NCA Group. Mr. Neffenger submitted a letter to the Board and the conference agenda, he is requesting that the Board accept the conference hours toward his continuing education requirement and reinstate his professional engineer license.

*After reviewing the information submitted by Mr. Neffenger the Board directed the staff to obtain certificates of completion for the seminars that Mr. Neffenger attended. Certificates of completion were not included in his reinstatement application.*

## **5. APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS**

The Credentials Review Committee (CRC) Report of December 23, 2013, January 6 and January 17, 2014 were presented for approval.

***Motion by Mr. Ringle, second by Mr. Kohman, to approve the Credentials Review Committee Reports of December 23, 2013, January 6 and January 17, 2014. Motion carried.***

## **6. 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. Dawson, second by Mr. Snyder, to approve the registrations issued since the last meeting. Motion carried.***

## **7. EXAMINATIONS**

### **A. NCEES Exams**

Mr. Greenhalge advised the Board that NCEES has reported that the Cleveland exam site will be moved to the Greater Cleveland Convention Center effective for the April 2014 exams.

## **8. REPORTS**

### **A. Executive Director's Report**

The NCEES Central Zone meeting will be held May 15-17 in Lincoln, Nebraska. Registration information should be distributed by NCEES in the next few weeks.

Mr. Greenhalge reported that as of January 20, 2014 90% of the 28,474 renewals sent were renewed. The Board will mail approximately 3,000 late notices next week, which is typical during the renewal cycle.

### **B. Legislative Report**

Mr. Greenhalge distributed a copy of H.B. 379 that would give immunity to professional engineers, professional surveyors and architects who volunteer to provide services during a declared emergency.

Mr. Greenhalge reported that H.B. 202 is being discussed in the Senate Commerce and Labor Committee and should be voted out in the next few weeks.

## **9. ENFORCEMENT**

### **A. Review of investigation report**

Unlicensed Firm

Case No. 11-028

On November 10, 2010 the Board received a complaint alleging SUBJECT FIRM was offering engineering services to the public by displaying the term *Engineering* on its company emblem, as well as advertising engineering services on its company website.

Since the onset of the investigation SUBJECT FIRM has refused Board staff's request to remove the term engineering from the company emblem, or stop from offering engineering services via their website. The only response from SUBJECT FIRM explained they are an engineering firm who provides engineering services to the U.S. Air Force for research and development projects on Wright-Patterson Air Force Base, and by consequence does not provide or attempt to provide engineering services in Ohio.

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

Gulf Interstate Engineering Company

Case No. 13-064

On April 1, 2013 the Board received a Certificate of Authorization (COA) application from Gulf Interstate Engineering Company (GIE). The Board's records indicated that GIE applied for a COA in 2007; however, before the application was reviewed by the Board, the Board received a letter from GIE stating they no longer had an Ohio licensed professional engineer on staff and GIE withdrew the application.

On April 22, 2013 a letter was received from Tanya Chalker, attorney for GIE, which stated that in 2008 GIE did design work for a client who subsequently contracted with a construction contractor to build an interstate pipeline going partly through Ohio. On July 16, 2013 the Board directed the staff to gather additional information. The Board staff contacted Ohio Environmental Protection Agency, Ohio Department of Natural Resources, The Public Utilities Commission of Ohio, the Federal Energy Regulation Commission (FERC), the Pipeline & Hazardous Materials Safety Administration (PHMSA) and the Ohio Department of Transportation. At this time there is no evidence that GIE provided engineering services in Ohio in violation of R.C. Chapter 4733.

*The Board directed the staff to close the complaint based on the information provided.*

Professional Engineer

Case No. 14-016

On June 24, 2013 SUBJECT reported additional disciplinary actions 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 due to SUBJECT illegally practicing architecture. SUBJECT entered into a settlement agreement with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects (MO Board) that resulted in a settlement agreement which placed SUBJECT on five (5) years of probation with conditions. The Kansas State Board of Technical Professions (KS Board) took reciprocal action based on the MO Board action by placing SUBJECT on probation to run concurrent with the MO Board's probation and included the same conditions for the five (5) years.

The original Missouri Board's order placing SUBJECT on probation for five (5) years listed the following conditions:

- 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 MO 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.
- IF SUBJECT violates any of the above terms then the MO 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.

On July 7, 2012 the KS Board issued a Final Order imposing discipline on SUBJECT for his signing and sealing fire protection documents which were deficient and contained numerous life safety issues. As a result of SUBJECT's actions, the KS Board ordered SUBJECT to be placed on probation for a period of two (2) years, pay fees, expenses and a fine amounting to \$25,000.00.

As a result of the disciplinary action by the KS Board, SUBJECT was charged by the MO Board with violating his probation. After a hearing on the matter, the MO Board subsequently revoked SUBJECT's professional engineer's license on May 30, 2013.

In 2013 the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors took reciprocal action and suspended SUBJECT for failing to report the KS Board disciplinary action.

On December 26, 2013 the Board received notice that after an appeal of SUBJECT's MO Board suspension for service related issues, the State of Missouri Court of Appeals remanded the case back to the MO Board to provide another hearing to SUBJECT. The hearing is scheduled for January 28, 2014.

*The Board directed the staff to pursue a settlement agreement.*

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 the settlement agreement with the Florida Board of Professional Surveyors and Mappers (FL Board) to the Ohio Board within sixty (60) days as required by law. 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: Complaint alleged twenty-three (23) counts of failing to meet the State of Florida's Minimum Technical Standards (MTS).
2. Case #2-2009-027467: 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: Complaint alleged seven (7) counts of failing to meet the State of Florida's Minimum Technical Standards (MTS.)

According to the agreement with the FL Board, SUBJECT relinquished his professional surveyor's license and agreed to never reapply to the FL Board for reinstatement of his Florida professional surveyor and mapper license. The Florida agreement contains the following paragraph: "*SUBJECT's decision to surrender his license is based solely upon economic reasons and SUBJECT disputes the allegations contained in the complaints in their entirety and specifically denies that he has violated any of the alleged statutory provisions and/or administrative rules contained in the complaints.*"

On November 19, 2013 the Board opened an investigation regarding this matter.

PS Examinee Case No. 14-035

On October 25, 2013 the Board received a complaint alleging that SUBJECT may have provided false information to the Board on his PS exam application. The day the complaint was received SUBJECT was taking the NCEES PS exam in Cleveland. The complainant alleged that SUBJECT falsified his experience and that the employer would have internal records verifying the falsification. SUBJECT is a graduate engineer and has taken and passed the NCEES FE and FS examinations.

During several interviews with SUBJECT's supervisor that certified SUBJECT's experience on his PS exam application, the supervisor indicated that SUBJECT spent about 50% performing engineering and 50% performing surveying while working for the firm. After reviewing the job codes, payroll records and the hours worked by SUBJECT it was calculated by Board staff that SUBJECT had over-estimated his surveying experience on his PS exam application significantly.

On December 19, 2013 Board staff interviewed SUBJECT at his employer's office. SUBJECT identified his PS exam application as the one he filled out and mailed to the Board. SUBJECT was asked to explain how he came up with the dates and percentages (*05/08-10/12= 75.47% surveying and 10/12-06/13= 100% surveying*). SUBJECT explained that he did not do any calculations to come up with those numbers and merely figured that was about the amount of time he performed surveying and engineering throughout his career for the firm. SUBJECT further stated that he "doesn't know how he came up with those specific percentages, just felt like he did more surveying than engineering." At the conclusion of the interview and after reviewing the percentages calculated by Board staff, SUBJECT stated that he understood that his estimate of the surveying experience he certified to since May of 2008 to be wrong.

***Motion by Mr. Snyder, second by Mr. Kohman, to invalidate SUBJECT's NCEES PS exam score and SUBJECT's OH State-Specific PS exam score. Motion carried.***

Professional Engineer Case No. 14-046

On November 22, 2013 the Board received SUBJECT's 2014-2015 professional engineer license renewal application wherein SUBJECT self-reported that he had plead guilty to a federal felony charge of *Conspiracy to Commit Bank Fraud*. After an investigation by Board staff, it was determined that SUBJECT was indicted for his involvement in a 2007 Mortgage fraud scheme with several other co-conspirators by the United States District Court for the Eastern District of Michigan on February 5, 2013. On May 14, 2013 SUBJECT plead guilty to one felony count of Conspiracy to Commit Bank Fraud that resulted in a \$1,975,000.00 loss to the Federal Deposit Insurance Company. The indictment stated SUBJECT received \$40,000.00 from one of the co-conspirators for his part in the fraud.

Additionally, SUBJECT reported pleading guilty to the felony on the renewal application he dated, Nov 18, 2013. According to court records, SUBJECT plead guilty on May 14, 2013; one hundred and twenty-eight days over the allotted sixty days prescribed by this Board in R.C 4733.20(A)(4) and Ohio A.C 4733-35-7 to report the violation to the Board.

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

James R. Hogan

Case No. 10-011

On September 18, 2010 the Board received a complaint concerning an Ohio-based sign company that appeared to prepare structural engineering plans for an outdoor sign at a Walgreens store located in Pickerington, Ohio. The sign company did not have a certificate of authorization to provide engineering in Ohio. The permit application and design documents submitted by the sign company contained a copy of an Ohio engineer's seal and signature with the sign's mounting and load calculations.

According to information gathered during the Board's investigation, the permit was originally submitted bearing the Ohio seal (E-55665) and signature of James R. Hogan; according to Board records James R. Hogan is not as a registered engineer in the state of Ohio. The E-55665 license number belongs to a James M. Hogan. Mr. James M. Hogan provided a notarized letter explaining that the signature was not his and he was not involved in the preparation of the plans.

After further investigation by Board staff, it was determined that an individual living in the State of Illinois with the name James R. Hogan had entered into a contract with the Ohio sign company to provide mounting and load calculations for the sign to be installed in Pickerington, Ohio.

Board staff was able to contact James R. Hogan by phone and received an admission from him explaining that he had thought his company had made application for his professional engineer's registration to the Ohio Board on his behalf. In doing so, he had obtained his Ohio seal to perform engineering services for the above project. James R. Hogan also indicated he was a registered P.E. in the state of Illinois. Board staff was unable to confirm that he is a professional engineer in the State of Illinois and found no evidence he had ever applied to the Ohio Board to obtain registration as a professional engineer.

On December 19, 2013 Board staff received a signed settlement agreement wherein James R. Hogan agreed to cease and desist any practice of engineering in the State of Ohio and accept a \$500.00 fine for his unlicensed practice and use of a fraudulent seal.

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

Eric L. Exley

Case No. 14-020

On October 7, 2013 the Board received information during a routine check of the NCEES Enforcement Exchange database indicating Eric L. Exley, P.E had received a suspension of his Pennsylvania Professional Engineers license on Sep 14, 2012. Mr. Exley was suspended for forty-five days and required to pay a \$9,500.00 fine for unlicensed practice. Mr. Exley subsequently failed to report the

suspension to this board within the allotted sixty days pursuant to R.C. 4733.20 (A) (2) (5) and Ohio A.C 4733-35-07 (D).

On December 19, 2013 the Board staff received a signed settlement agreement wherein Mr. Exley agreed his Professional Engineers license would be suspended in Ohio until such time he can submit proof his license in all other states and U.S. Territories are active and in good standing.

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

Roger Woodfill Case No. 14-022

On September 16, 2013 the Board received a Board Order from the Indiana State Board of Registration for Professional Engineers (IN Board) indicating that on August 21, 2012 SUBJECT's professional surveyor license was placed on indefinite probation for minimum standards violations and on August 1, 2013 SUBJECT's professional surveyor license was placed on indefinite suspension for violating probation.

On October 7, 2013 SUBJECT was sent a letter requesting information. On November 21, 2013 SUBJECT's response was received in which SUBJECT stated that he has decided to retire and has surrendered both his Kentucky and Indiana licenses.

On January 10, 2014 the Board received a settlement agreement wherein SUBJECT agreed to voluntarily surrender his Ohio professional surveyor license for violations of Chapter 4733.

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

Aquatic Design & Engineering Case No. 14-043

On November 19, 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, 2011.

SUBJECT FIRM reported that they have not completed any engineering projects since 2011; however, they admitted to offering engineering services in Ohio at a time when the firm did not have a COA for a project located in Cincinnati, Ohio.

On December 12, 2013 the Board received a signed settlement agreement wherein SUBJECT 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, approve the certificate of authorization and close the investigation. Motion carried.***

Foster Energy Management Co. Case No. 14-048

On September 3, 2013 the Board staff conducted a review of firms with a delinquent Ohio Certificate of Authorization (COA) status to see if any were still operating in Ohio and offering or providing engineering and/or surveying services in Ohio.

SUBJECT FIRM's website indicated that they were offering and providing engineering services in the State of Ohio at a time that their COA was expired.

On October 29, 2013 the Board mailed SUBJECT FIRM a cease and desist letter that requested a list of projects and information on what type of services the SUBJECT FIRM was providing in Ohio. On November 18, 2013 the Board received SUBJECT FIRM's late COA renewal application and a list of projects. SUBJECT FIRM stated that they completed (2) Level II ASHRAE Energy Audits, (2) ASHRAE Level II Energy Audit analyses and stated they have three energy audits in progress.

On January 2, 2014 the Board received 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. Ringle, to open an investigation, accept the settlement agreement and close the investigation. Motion carried.***

GPW Associates, LLC Case No. 14-049

On December 4, 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 four projects in Ohio while the firm's COA was expired.

On December 27, 2013 the Board received a signed settlement agreement wherein SUBJECT 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.***

David M. Allison Case No. 13-044

On January 14, 2014 the Board received information from SUBJECT indicating he had affixed his seal and signature to engineering work product while his professional engineer's registration was expired. SUBJECT reported he affixed his seal to three (3) projects in Ohio while expired.

On January 17, 2014 the Board received SUBJECT's reinstatement and a signed settlement agreement wherein SUBJECT agreed to accept a \$250.00 fine and receive a reprimand for violating of R.C. 4733.

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

Siemens Industry, Inc. Case No. 14-042

On January 17, 2014 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 seven (7) projects in Ohio while the firm's COA was expired.

On January 14, 2014, the Board received a signed settlement agreement wherein SUBJECT FIRM agreed to accept a \$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.***

FXB, Inc. Case No. 14-027

On October 18, 2013 the Board received a complaint from an Ohio plans examiner alleging SUBJECT FIRM submitted electrical engineering plans for a project located within their village, and at a time when SUBJECT FIRM did not have a Certificate of Authorization with this Board.

On December 10, 2013 Board staff mailed SUBJECT FIRM a notice of apparent violation requesting a response to the complaint and to provide a list of engineering projects SUBJECT FIRM performed in Ohio. SUBJECT FIRM provided a written response admitting to providing engineering services on three (3) engineering projects in the State of Ohio at a time when the firm did not possess a Certificate of Authorization with this Board.

On January 17, 2014 Board staff received a settlement agreement wherein SUBJECT FIRM agreed to accept a two-hundred fifty (\$250.00) dollar fine and a public reprimand.

***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. 10-046

On January 11, 2010 the Board received a complaint alleging SUBJECT's design of a theater located at a state university contained serious errors and deficiencies. Specifically, the allegations stated there were serious design issues relative to lateral load paths, lateral bracing for beams subjected to torsion and lateral bracing for the compression flange of beams. Attached to the complaint was a peer review report that was compiled by professional engineers after a portion of the theater collapsed during construction.

On March 9, 2010 Board staff mailed out a notice of apparent violation requesting a written response to the complaint, to include plans, design notes, calculation sheets, drafts for the project and all

correspondence related to the project. On April 30, 2010 SUBJECT submitted his written response and the entire project file for the Board's review.

On January 28, 2011 the entire case contents were forwarded to a structural engineering consultant group for their independent review and report of findings. On July 20, 2013 the Board received the consultant's report. The consulting engineers concurred with the peer review engineers in that SUBJECT's structural designs related to the complaint contained serious errors and deficiencies.

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

Professional Engineer \_\_\_\_\_ Case No. 14-063

On January 11, 2013 the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors (KY Board) revoked SUBJECT's engineering license for failing to respond to administrative complaints and hearing notifications in relation to a CPD audit. Since January 11, 2013 SUBJECT has also failed to notify this Board of the KY Board revocation of his professional engineer registration, a violation of A.C. 4733-35-07(D).

As of January 17, 2014 SUBJECT has advertised via his law firm's website that "SUBJECT worked as a professional engineer for 15 years and still keeps an active license for the rare occasion that one of his client's need consulting advice."

SUBJECT has not renewed his Ohio PE registration; however, he continues to use the P.E. designation in conjunction with his name.

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

**10. 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 review at the November 2013 meeting.

*No action taken.*

B. Letter from Professional Land Surveyors of Ohio (PLSO) concerning a CPD publication distributed by McKissock.

PLSO is requesting that the Board review the publication to determine if it meets Ohio's continuing professional development requirement.

*The Board reviewed the publication and determined that registrants completing the coursework in the publication could claim up to a maximum of three continuing professional development hours per year.*

C. Continuing Professional Development Question

John Kremzar is requesting that the Board allow continuing professional development credit for teaching a math education course. The course is part of the curriculum for high school students interested in STEM.

*The Board reviewed the request and determined that the law does not permit credit for the teaching of high school level courses.*

#### D. Medical Waiver Request

Robert Wilson is requesting a waiver of 18.5 hours of continuing professional development hours due to a shoulder injury.

*The Board reviewed the information provided by Mr. Wilson but determined that Mr. Wilson should complete the continuing professional development requirement and then apply for a late renewal or reinstatement.*

### **11. NEW BUSINESS**

None discussed.

### **12. UNFINISHED BUSINESS**

None discussed.

### **13. PUBLIC RELATIONS**

Mr. Greenhalge and Mr. McLean are scheduled to conduct a presentation on the Board's laws and rules and investigations process at the PLSO annual meeting on February 13, 2014. Mr. Greenhalge is scheduled to speak to the Cincinnati chapters of ASCE and SEAoO on February 20, 2014.

The next certificate ceremony is scheduled for Saturday March 15, 2014 at the Ohio Statehouse Atrium.

### **14. UPCOMING BOARD MEETINGS**

The next meeting is scheduled for Tuesday February 18, 2014.

### **15. ADJOURNMENT**

The Board adjourned at 1:20 p.m.

These minutes were written on January 23, 2014 and approved by the Board on February 18, 2014.

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Nelson Kohman, P.E.  
Board Chair

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Dean C. Ringle, P.E., P.S.  
Board Secretary

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John F. Greenhalge  
Executive Director