

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

Thursday January 19, 2012

Members Present:

James D. Mawhorr, P.E., P.S.	Chair
Chandra R. Shah, P.E.	Vice 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	Program Manager
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 January 19, 2012 at 50 West Board Street, Suite 1820, Columbus Ohio 43215 in the Board conference room. Chairman Mawhorr called the meeting to order at 9:33 a.m.

APPROVAL OF MINUTES

The minutes of the November 15, 2011 Board meeting were presented for approval.

***Motion by Mr. Shah, second by Mr. Swearingen, to approve the November 15, 2011 meeting minutes as presented. Motion carried.***

APPOINTMENT OF EXECUTIVE DIRECTOR

In accordance with Ohio Revised Code Section 4733.06, the Board annually appoints an Executive Director.

***Motion by Mr. Shah, second by Mr. Snyder, to appoint John Greenhalge to another term. Motion carried.***

***Motion by Mr. Kohman, second by Mr. Swearingen, to authorize the Executive Director to make editorial changes to motions and minutes for the period beginning January 19, 2012 and ending on December 31, 2012. Motion carried.***

RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Present at the meeting:

Melinda Gilpin, Executive Director, Professional Land Surveyors of Ohio  
Holly Ross, Executive Agent and Public Relations Manager, Ohio Society of Professional Engineers

BOARD REVIEW OF APPLICATIONS

1. Brad D. Pontz – PS Comity applicant

Mr. Pontz was granted PS registration in Pennsylvania in 1986. He did not take the NCEES PS examination. He took various other state exams.

*The Board directed Mr. Greenhalge to review the exams that Mr. Pontz passed in Pennsylvania for comparison to the NCEES examination and to report back at the next meeting.*

2. Defne S. Apul – PE Exam Applicant

Ms. Apul is requesting credit for engineering experience as a Ph.D. student, graduate research assistant, and associate professor in the Civil Engineering Department at the University of New Hampshire.

***Motion by Mr. Snyder, second by Mr. Kohman, to approve Ms. Apul for PE exam eligibility. Motion carried.***

3. Chien-Chia Huang – PE Exam Applicant

Mr. Huang is requesting credit for engineering experience as a Civil Engineer/Project Manager in Tainan Taiwan.

***Motion by Mr. Kohman, second by Mr. Snyder, to approve Mr. Huang for PE exam eligibility. Motion carried.***

4. Woo Hyoung Lee – PE Exam Applicant

Mr. Lee is requesting credit for engineering experience as a research fellow with USEPA and as a research assistant with the Department of Civil and Environmental Engineering with the University of Cincinnati.

***Motion by Mr. Shah, second by Mr. Kohman, to approve Mr. Lee for PE exam eligibility. Motion carried.***

5. Jeffrey Green/Shafer Kline & Warren – COA Applicant

Jeffrey V. Green, P.S. is requesting to be approved as the professional surveyor in responsible charge of surveying for Shafer, Kline, & Warren, Inc. He is also listed as the surveyor in responsible charge for Green Land Surveying, LLC. Mr. Green is the sole owner of Green Land Surveying, LLC and reports that he provides services on a part-time basis.

***Motion by Mr. Snyder, second by Mr. Kohman, to approve a Certificate of Authorization for Shafer Kline & Warren. Motion carried.***

6. Pierce Engineers – COA Applicant

Pierce Engineering's certificate of authorization lapsed on 6/30/10.

***Motion by Mr. Snyder, second by Mr. Kohman, to approve a Certificate of Authorization for Pierce Engineering with a warning letter. Motion carried.***

7. Guardlink of Kentucky/Sands Engineering, LLC-COA Applicant

Kenneth Sands, P.E. is requesting to be approved as the professional engineer in responsible charge of engineering for Guardlink of Kentucky LLC. He is also listed as the engineer in responsible charge for Sands Engineering, LLC. Mr. Sands works part-time as the sole owner of Sands Engineering LLC.

***Motion by Mr. Shah, second by Mr. Swearingen, to approve a Certificate of Authorization for Guardlink of Kentucky LLC. Motion carried.***

8. Doug Edwards Engineering, LLC/KBD Technic Inc. – COA Applicant

Douglas Edwards, P.E. is requesting to be approved as the professional engineer in responsible charge of engineering for Doug Edwards Engineering, LLC. He is also listed as the engineer in responsible charge for KBD/Technic Inc. Mr. Edwards works part-time as the sole owner of Doug Edwards Engineering.

***Motion by Mr. Snyder, second by Mr. Shah, to approve a Certificate of Authorization for Doug Edwards Engineering, LLC. Motion carried.***

9. Erie Coast Engineering – COA Applicant

Erie Coast Engineering is located in Grafton, Ohio. The firm incorporated in 2000 and provides home design for homebuilders. The owner was unaware of the requirement to obtain a certificate of authorization when his attorney changed the name and incorporated in 2000.

***Motion by Mr. Kohman, second by Mr. Snyder, to approve a Certificate of Authorization for Erie Coast Engineering. Motion carried.***

BOARD REVIEW OF ADDITIONAL APPLICATIONS

1. Steven M. Boisvert – PE Comity Applicant

Mr. Boisvert earned a BS in Engineering Technology from Old Dominion University. He took and passed the PE examination before he earned 8 years of engineering experience. Ohio Revised Code Section 4733.11 and Ohio Administrative Code Section 4733-29-01 require graduates from a college curriculum in engineering technology to have eight years of practical experience in engineering work completed prior to taking the PE examination.

*Based upon Ohio Revised Code Section 4733.11 and Ohio Administrative Code Section 4733-29-01, the Board deemed Mr. Boisvert's application incomplete.*

2. Debra J. McGarry – FS Exam applicant

Ms. McGarry reported a felony conviction on her application.

***Motion by Mr. Shah, seconded by Mr. Kohman, to approve Ms. McGarry for the FS exam. Motion carried.***

3. Kevin M. Freese – FE Exam application

Mr. Freese reported a felony conviction on his application.

***Motion by Mr. Shah, second by Mr. Kohman, to approve Mr. Freese for the FE exam. Motion carried.***

4. Michael J. Kotheimer – PE Exam Applicant

Mr. Kotheimer reported a misdemeanor conviction on his application. The misdemeanor was reduced from a felony charge.

***Motion by Mr. Snyder, second by Mr. Shah, to approve Mr. Kotheimer for the PE exam. Motion carried.***

5. Michael N. Gosha Jr. – FE Exam Applicant

6. Douglas W. Follmer – FE Exam Applicant

Mr. Gosha and Mr. Follmer are both students enrolled in Ohio State University's Biomedical Engineering program. Both are expected to graduate in spring 2012. The Biomedical Engineering program is not EAC/ABET accredited, but is currently under review. Mr. Gosha and Mr. Follmer are applying to take the April 2012 FE examination.

*The Board directed Mr. Greenhalge to advise Mr. Gosha and Mr. Follmer that they will be eligible to apply for examination after the Biomedical Engineering program is EAC/ABET accredited.*

7. Alliance Engineering, LLC – COA Applicant

John Williamson, PE is requesting to be approved as the professional engineer in responsible charge of engineering for Alliance Engineering, LLC. He is also a full-time government employee.

***Motion by Mr. Shah, second by Mr. Swearingen, to deny Alliance Engineering a certificate of authorization and issue a notice of opportunity for hearing based upon the listing of Mr. Williamson as responsible in charge. Motion carried.***

APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Reports of December 28, 2011, January 4, 11, and 18, 2012 were presented for approval.

***Motion by Mr. Swearingen, second by Mr. Shah, to approve the Credentials Review Committee Reports of December 28, 2011, January 4, 11, and 18, 2012. Motion carried.***

OHIO UNIVERSITY SURVEYING COURSE WORKSHEET

Gayle Mitchell, Ph.D., P.E. Chair, Department of Civil Engineering at Ohio University, Dean Ringle, P.E., P.S. and Bill Lozier, P.E., P.S. addressed the Board regarding Ohio University's surveying curriculum.

Dr. Mitchell discussed Ohio University's request for the Board to consider "grandfathering" students for FS exam eligibility that entered the Civil Engineering program prior to the Board's July 2010 revisions to the Surveying Course Worksheet requirements.

Dr. Mitchell, Mr. Ringle, and Mr. Lozier discussed Ohio University's additional and modified courses, including CE 210, 311, 400, 410, and 411, explaining that they are in better alignment with the Board's revised Survey Course Worksheet requirements.

After further Board review of Ohio University's modified Surveying Course Worksheet, it was noted that 2.0 hours for CE 415/515 Geodetic Surveying should be deleted from the Boundary Surveying Credit column.

***Motion by Mr. Swearingen, second by Mr. Kohman, to grandfather students that entered the program prior to July 2010 for seven years. Motion carried.***

***Motion by Mr. Swearingen, second by Mr. Snyder, to approve Ohio University's Surveying Course Worksheet as modified. Motion carried.***

#### 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.***

#### EXAMINATIONS

All October 2011 examination grades were released in December 2011. Mr. Greenhalge summarized the NCEES candidate survey results and the overall examination performance by discipline.

#### OHIO PROFESSIONAL SURVEYOR EXAM WORKSHOP

The Ohio Professional Surveyor Exam workshop was held on Saturday November 12, 2011 at the Marriott Hotel in Dublin, Ohio by Test, Inc. Mr. Greenhalge distributed the test summary.

#### OHIO SURVEYING COURSES WORKSHEET

Mr. David Cox, P.S. has completed his review of the courses submitted by Rhodes State College, Owens Community College, and Columbus State Community College. All three colleges have submitted additional information for review.

Upon further review, the Board concluded that the course descriptions submitted by Owens Community College remain unchanged.

Upon further review, the Board concluded that there was no change to the Columbus State Community College course worksheet.

Mr. Frank Snyder, P.S. will review Rhodes State College's Surveying Course Worksheet and course descriptions for Board review and recommendation.

#### EXECUTIVE DIRECTOR'S REPORT

Executive Director Greenhalge distributed the Fiscal Year 2012 2<sup>nd</sup> Quarter Allotment and Expenditure report. As of December 31, 2011, the Board had expended 47% of its operating budget.

Mr. Greenhalge distributed Board performance measure statistics for December 2011. He reported that the number of days to approve a completed application has improved since the recent procedural change for approving comity applications.

***Motion by Mr. Shah, second by Mr. Snyder, to go into Executive Session, pursuant to Ohio Revised Code Section 121.22(G)(1) to consider the investigation of charges or complaints against licensees or regulated individuals. Mr. Greenhalge recorded a roll call vote:***

***Roll call vote:***

***Mr. Mawhorr- Yes  
Mr. Shah- Yes  
Mr. Snyder- Yes  
Mr. Swearingen- Yes  
Mr. Kohman- Yes***

***Motion carried. The Board entered into executive session at 12:03 p.m.***

Mr. Mawhorr invited Mr. Greenhalge and Mr. Evans to attend the first 15 minutes of the executive session. Ms. Jones, Mr. McLean, and Ms. Schick joined the executive session at 12:17 p.m. The executive session ended at 1:25 p.m.

**\*\*ACTIONS TAKEN AS A RESULT OF EXECUTIVE SESSION\*\***

Unlicensed Individual Case No. 11-033

On November 12, 2010 the Board was notified that SUBJECT is identifying himself as a Senior Engineer and as an EIT in the state of Ohio, which may lead the public to believe he is a professional engineer. Attached to the complaint was a letter prepared by SUBJECT using the designation Senior Engineer. Information obtained indicates SUBJECT has passed the FE in Colorado and does hold the EIT designation in Colorado.

*The Board reviewed the complaint and directed the staff to send a warning letter.*

Unlicensed Surveyor Case No. 2011-092

On April 14, 2011 the Board received documentation from complainant stating that SUBJECT is holding himself out as being a professionally licensed surveyor and capable of practicing surveying in the state of Ohio without an active license. The complaint included SUBJECT's resume listing "Registered Professional Land Surveyor" and "State of Ohio License Number S-7841" under accomplishments.

*The Board reviewed the complaint and directed the staff to send a warning letter.*

City Engineering Department Case No. 2011-099

On June 7, 2011 Board staff received a complaint from a professional engineer alleging misconduct by Professional Engineers (PEs) involved in the City of Toledo Trunk Water Main project.

*The Board reviewed the complaint and directed the staff to close the complaint due to no apparent violation.*

City Volunteer Committee Case No. 2011-117

On June 29, 2011 Board staff received a complaint from a professional engineer and former City Engineer in Beavercreek, Ohio alleging that members of the SUBJECT COMMITTEE, ventured outside their advisory role and engaged in the practice of engineering when they performed an evaluation and analysis of accidents throughout the

City of Beavercreek, which resulted in their recommendation of specific traffic signal alterations to the traffic signals at the intersections of U.S. Route 35 with N. Fairfield Rd.

The Board reviewed the complaint and directed the staff to close the complaint due to no apparent violation.

Professional Engineer                      Case No. 2012-002

On July 5, 2011 the Board received a complaint alleging that SUBJECT P.E., in his position as Sanitary Engineer in Miami County, Ohio, advised the general public as well as other professionals that Miami County Sanitary connection fees on assessment projects will be assessed against properties served by their projects in violation of ORC 6117 & 133.15. The complainant further states that SUBJECT PE admitted he understood those fees could not be lawfully assessed and subsequently had them included into line items within the project contractors to pay estimates as fees to be paid back to his office.

*The Board reviewed the complaint and directed staff to close the complaint due to the Board having no jurisdiction in the matter.*

Professional Surveyor                      Case No. 2012-023

On September 11, 2011 the Board received a complaint concerning a survey conducted by SUBJECT PS at a property that the complainant recently purchased a two-thirds interest. Complainant states that he purchased or entered into a land contract for a two-thirds interest in a property occupied by his wife's mother and her mother's brother and sister. They were in the process of buying the brother's and sister's interest when Complainant believes SUBJECT PS provided a 1/3 lot split for the current 1/3 owner (wife's mother) without the consent of the other owners. Complainant explained that by doing so, SUBJECT PS created a problem on the property to the extent that the 1/3<sup>rd</sup> owner chose the middle third of the property and believes that she now owns that section and has destroyed and removed all of complainant's property from the area.

*The Board reviewed the complaint and directed staff to close the complaint due to the Board having no jurisdiction in the matter.*

Professional Engineering Firm                      Case No. 2012-031

On September 6, 2011 the Board received a complaint involving a PE stamp that did not conform to the State's guidelines. This was discovered when the complainant was asked to review the electrical drawings. The stamp showed two license numbers and two names. The letter "s" was included at the end of Registered Professional Engineer. Instead of their full name they had two initials and their last name. The license numbers were all by themselves and were not preceded by "E-" which the guidelines require. In the same set of drawings which was outside of complainant's scope were mechanical drawings with one PE stamp which had four names and four license numbers using the same format described above. According to the complainant the drawings were issued for permit in May 2011 and issued for construction in July 2011.

*The Board reviewed the complaint and directed the staff to send a warning letter.*





Professional Surveyor                      Case No. 2012-059

The Board received a Certificate of Authorization application from SUBJECT FIRM. The Board's database showed that SUBJECT FIRM's COA expired on June 30, 2009. While unlicensed, the SUBJECT firm engaged in the practice of surveying on at least 143 projects.

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

Beech Engineering & Manufacturing                      Case No. 2012-032

The Board received a complaint alleging that SUBJECT FIRM may be offering engineering services in Ohio and is using the term engineering in their company name. SUBJECT FIRM does not have a Certificate of Authorization.

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

Yog Singhal, P.E.                      Case No. 2012-051

On February 28, 2011 SUBJECT was selected for the CPD audit. No response was received. SUBJECT was mailed the 6 month notice to comply with the audit. SUBJECT notified the Board that he did not complete his continuing education requirement for 2010. SUBJECT was mailed a Settlement Agreement wherein SUBJECT would voluntarily surrender his professional engineer license.

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

William B. Ingram, P.S.                      Case No. 2012-050

On September 22, 2011 the SUBJECT was selected for the CPD audit. SUBJECT notified the Board that he did not have documents showing that he earned the 15 continuing education hours. SUBJECT was given six months to comply with the audit. SUBJECT completed the hours in 2011. SUBJECT was mailed a Settlement Agreement wherein SUBJECT would pay a \$2000.00 fine and receive a reprimand.

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

Daniel Walch, P.E.                      Case No. 2012-054

On February 28, 2011 the SUBJECT was selected for the CPD audit. SUBJECT notified the Board that he did not earn the 15 continuing education hours. SUBJECT was given six months to comply with the audit. SUBJECT did complete the hours in 2011. SUBJECT was mailed a Settlement Agreement wherein SUBJECT would pay a \$2000.00 fine and receive a reprimand.

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

Robert F. Keller, P.E. Case No. 2012-052

On February 28, 2011 SUBJECT was selected for the CPD audit. The Board received a letter from SUBJECT wherein SUBJECT reported that he did not complete his continuing education requirement for 2010. SUBJECT was given six months to complete the hours. SUBJECT did not respond.

***Motion by Mr. Snyder, second by Mr. Kohman, to open an investigation, accept charges and issue a Notice of Opportunity for Hearing. Motion carried.***

Lynn M. Congos, P.E. Case No. 2012-053

On February 28, 2011 SUBJECT was selected for the CPD audit. SUBJECT did not respond. SUBJECT was given six months to respond to the audit. SUBJECT did not respond.

***Motion by Mr. Snyder, second by Mr. Kohman, to open an investigation, accept charges and issue a Notice of Opportunity for Hearing. Motion carried.***

Thomas A. Bellace, P.E. Case No. 2011-113

SUBJECT voluntarily surrendered his professional engineer license in the State of Florida, subsequently the North Carolina Board refused to renew SUBJECT's professional engineer license. SUBJECT failed to report both actions to the Ohio Board. On September 15, 2011 the Board opened an investigation.

***Motion by Mr. Snyder, second by Mr. Kohman to accept charges and issue Notice of Opportunity for Hearing. Motion carried.***

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

On August 18, 2010 the Board received a complaint indicating SUBJECT may have engaged in perjury and obstruction of justice while giving testimony in a State Personnel Board of Review hearing regarding SUBJECT's illegal firing of a county employee. The complainant also forwarded information indicating SUBJECT may be facing criminal charges for Theft and Conflict of Interest regarding his employment as a County Engineer.

On September 23, 2011 SUBJECT submitted documentation to the Board indicating that on July 26, 2011 he had plead guilty in the Trumbull County Court of Common Pleas to a felony charge of Theft and one misdemeanor charge of Conflict of Interest.

Count one- *Theft*, a violation O.R.C. Section 2913.02 (A)(2) & (B)(1)(2), a fifth degree felony and a crime of moral turpitude. SUBJECT was charged with the theft violation for claiming county time when not engaged in county business.

Count two- *Conflict of Interest*, a violation of O.R.C. Section 102.03 (D), a first degree misdemeanor and a crime of moral turpitude. SUBJECT was charged with the conflict of interest violation for using county employees while on county time to work on his campaign for county engineer and his use of county resources for campaign matters.

On August 1, 2011 and in regards to the above convictions, SUBJECT was ordered to serve two (2) years of community control, pay restitution in the amount of five-thousand (\$5,000.00), court costs and seven thousand- four hundred (\$7,400.00) to reimburse the cost of the investigation.

***Motion by Mr. Snyder, second by Mr. Kohman, to accept charges and issue Notice of Opportunity for Hearing. Motion carried.***

Planning & Design Services, Inc. Case No. 2012-015

The Board received a Certificate of Authorization application from SUBJECT FIRM. The Board's database showed that SUBJECT FIRM's COA expired on June 30, 2010. While unlicensed the SUBJECT FIRM engaged in the practice of surveying on at least 100 projects. SUBJECT FIRM does not have a full time licensed professional surveyor as responsible in charge of the firm. On September 15, 2011 the Board opened an investigation and issued a Notice of Opportunity for Hearing. A hearing was not requested.

***Motion by Mr. Snyder, second by Mr. Shah, to issue a Final Order denying the firm's certificate of authorization application since the professional surveyor listed in responsible charge of surveying decisions and activities for the firm has resigned from the firm and has not been replaced. Motion carried.***

Professional Engineer Case No. 09-037 & 060

The Board received complaints that SUBJECT may have engaged in plan stamping and provided engineering services outside his area of competency. Board staff met with SUBJECT PE and had an educational conference to discuss the requirements for signing and sealing engineering documents

***Motion by Mr. Snyder, second by Mr. Kohman, to close investigation. Motion carried.***

Professional Engineer Case No. 2012-068

On December 29, 2011 Board staff received an email from SUBJECT to report possible ethics violations. The complainant reported that SUBJECT approached him and offered to turn over engineering projects to the complainant for a 20% finder's fee.

*The Board reviewed the complaint and directed staff to close the complaint due to the Board having no jurisdiction in the matter.*

**\*\*END OF TOPICS DELIBERATED IN EXECUTIVE SESSION\*\***

#### **NCEES CENTRAL ZONE MEETING**

The NCEES Central Zone will hold a joint meeting with the Western Zone scheduled for May 17-19 in Jackson Hole, Wyoming. NCEES will pay for a Board delegate from Ohio and a first time attendee. The Board must select a funded delegate and submit the funded delegate form to NCEES by January 30, 2012.

*Mr. Snyder was designated as the funded delegate. Mr. Greenhalge and Ms. Jones will also attend the meeting.*

### CORRESPONDENCE

1. E-mail from Dr. Brian Kirkmeyer, Assistant Dean, Miami University School of Engineering and Applied Science regarding Miami University's non-ABET Engineering Management major and the ability of graduates from that major to take the FE exam in Ohio.

*Mr. Greenhalge reported that Jerry Carter, Executive Director for NCEES is formulating a response to this matter. He added that this matter will be a future agenda item.*

2. Email from Bob Akins, Akins Land Surveying regarding fulfillment of EPA requirements for storm water mapping using GIS.

*The Board reviewed the issue and advised that if the duties are defined as the practice of surveying, the individual performing the functions must be licensed as a professional surveyor.*

3. Email from Bob Akins, Akins Land Surveying regarding *ExpressMap* in lieu of a survey.

*The Board reviewed the issue and advised that if the duties are defined as the practice of surveying, the individual performing the functions must be licensed as a professional surveyor.*

### PUBLIC RELATIONS

Mr. Greenhalge spoke to the Canton Regional Society of Professional Engineers on November 29, 2011. The topic of the presentation was "Avoiding Common Violations of the Engineering and Surveying Act." Mr. Greenhalge spoke to the Canton ASCE Chapter on December 14, 2011 about preparing for CPD audits.

### UPCOMING BOARD MEETINGS

The February meeting was scheduled for Thursday, February 16, 2012.

***Motion by Mr. Shah, second by Mr. Kohman, to cancel the February 16, 2012 meeting. Motion carried.***

The March meeting is scheduled for Thursday, March 15, 2012.

### ADJOURNMENT

The Board adjourned at 2:00 p.m.

These minutes were written on January 20, 2012 and approved by the Board on March 15, 2012.

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

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

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John F. Greenhalge  
Executive Director