

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

Tuesday May 28, 2013

Members Present:

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

Staff Present

John F. Greenhalge	Executive Director
Amanda Ault	Assistant Executive Director
Jason P. McLean	Enforcement Supervisor
Karen Schick	Program 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 Tuesday May 28, 2013 at 50 West Board Street, Suite 1820, Columbus Ohio 43215 in the Board conference room. Chairman Mawhorr called the meeting to order at 9:30 a.m.

1. APPROVAL OF MINUTES

The minutes of the March 21, 2013 Board meeting were presented for approval.

Motion by Mr. Snyder, second by Mr. Kohman, to approve the March 21, 2013 meeting minutes as presented. Motion carried.

2. RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Present at the meeting:

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

3. BOARD REVIEW OF APPLICATIONS

Raymond P. Abdel Messih- Comity Applicant

Messih is applying for registration as a professional engineer in Ohio. He is currently licensed in Nevada. Messih has a B.Sc. in Civil Engineering (Structures Section) from Ain Shams University located in Egypt. Messih had his degree evaluated by NCEES. The evaluation found that the program completed does not

meet the required curricular content of the EAC/ABET general and program criteria for an accredited program in Civil Engineering. The identified deficiencies are: 8 semester credit hours in humanities and social science.

Motion by Mr. Snyder, second by Mr. Kohman, to approve the application. Motion carried.

Gary Davis Gartenberg- Comity Applicant

Gartenberg is applying for registration as a professional engineer in Ohio. He is currently licensed in New Jersey. Gartenberg did not take and pass the NCEES FE exam. Gartenberg did take and pass an 8 hour fundamentals exam administered by the Colorado Board in April 1981.

Motion by Mr. Kohman, second by Mr. Swearingen, to approve the application. Motion carried.

Joseph O'Sullivan- Comity Applicant

O'Sullivan is applying for registration as a professional engineer in Ohio. He is currently licensed in New York. O'Sullivan has a B.E. in Mechanical Engineering from the University of Limerick located in Ireland. O'Sullivan had his degree evaluated by NCEES. The evaluation found that the program completed does not meet the NCEES Education Standard. The identified deficiencies are: 10 semester credit hours in humanities and social science and 5 semester credit hours in mathematics and basic science.

Motion by Mr. Snyder, second by Mr. Kohman, to approve the application. Motion carried.

Lauritz Pettersen Comninaki- Comity Applicant

Comninaki is applying for registration as a professional engineer in Ohio. He is currently licensed in Virginia. Comninaki graduated with a B.S. in Engineering Technology from Old Dominion University in December 1976. He took and passed the NCEES PE examination in April 1983- 6 years 4 months after graduation.

Motion by Mr. Dawson, second by Mr. Swearingen, to approve the application. Motion carried.

Technical Surveying Services, LLC (TSS)

On April 18, 2013 the Board's records indicated that James Marsh, PS retired and his license was made inactive. Mr. Marsh was listed as the professional surveyor in responsible charge for Technical Surveying Services, LLC. The Board staff sent TSS a letter advising them that they no longer had a professional

surveyor listed as being in responsible charge of the surveying activities and decisions for the firm and must cease and desist offering surveying services until they meet the requirements of O.R.C. 4733.

On May 21, 2013 the Board staff received a telephone call from Ken Shaffer, owner of TSS, in which he explained that he just opened up the Board's letter and neglected to send the Board information regarding changes in his staffing. He explained that he hired Jesse Newburn, PS a couple of years ago and he is the professional surveyor in responsible charge of the surveying activities and decisions for TSS. The Board staff requested a list of projects completed while the firm's COA was inactive, a letter of explanation and the affidavit of responsibility for the professional surveyor. The Board received Mr. Shaffer's letter in which he stated that TSS performed 2 Boundary Surveys and 9 mortgage location surveys while TSS's COA was inactive. On May 24, 2013 Executive Director John Greenhalge contacted Mr. Newburn and requested a letter explaining his employment with the firm. Newburn stated that he was the professional surveyor in responsible charge for the above mentioned surveys and is working for the firm full-time.

Mr. Shaffer requested Board approval to add Mr. Newburn as being the professional surveyor in responsible charge of the surveying activities and decisions for TSS. Mr. Newburn wants to continue to perform surveying as a sole proprietor during evenings and weekends.

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

The staff will also pursue a settlement agreement for practicing while the COA was inactive.

Wood Group Mustang Inc. (WGM) COA # 01617 and Austen Surveying LLC (ASL) COA # 01328

WGM has a Certificate of Authorization to provide engineering services in OH. The Board received a request from WGM to add surveying services. On the COA application Michael Austen, PS is listed as the full-time professional surveyor in responsible charge of the surveying activities and decisions. Austen is also the owner of ASL and listed as the PS in responsible charge for ASL. Austen stated that he and his wife are the only employees of ASL. The Board staff requested a letter of explanation. In the letter of explanation Austin stated that he has worked for WGM for over 2 years and has offered surveying services in PA and WV; however, they performed a topo in Ohio approximately 3 months ago. Austen stated that he thought the firm had a COA to offer surveying services in Ohio. When he discovered they did not, he informed the firm to get one.

It was noted that on the application that the office offering services is based out of TX and Austen is located in PA. An email was received explaining that the engineering services will be handled by the staff in TX and the surveying services will be handled out of their office in PA under the direction of Austen. The firm will dispatch the survey crews from their Houston office.

Austen has requested Board approval to be in responsible charge of the surveying activities and decisions for both WGM and ASL and approval to add surveying services to WGM's COA.

Motion by Mr. Kohman, second by Mr. Snyder, to approve adding surveying services to the COA of Wood Group Mustang. Motion carried.

GPD Engineering and Architecture Professional Corporation COA # 04046 (GPD PC)
Gluas, Pyle Schomer, Burns & DeHaven Inc. dba GPD Associates COA # 02007 (GPD Associates)
Glaus, Pyle, Schomer, Burns & DeHaven Inc. dba GPD Group COA # 03486 (GPD Group)

At its Board meeting on April 21, 2010 the Board approved Darrin Kotecki, PE's request to be listed as the professional engineer in responsible charge of engineering activities for GPD Associates and GPD Group. Kotecki is the only PE listed in responsible charge for GPD Associates. There are 5 other PEs listed in responsible charge for GPD Group. Kotecki is requesting to be listed as the PE in responsible charge for GPD PC. He stated that GPD PC was formed to offer services out of state. The other two firms are one entity with two DBA's. All firms are located at the same address in Akron, OH. Kotecki is listed as an owner on all 3 companies.

Kotecki has requested Board approval to be in responsible charge of the engineering activities and decisions for GPD PC, GPD Associates and GPD Group.

Motion by Mr. Dawson, second by Mr. Snyder, to approve Mr. Kotecki's appointment as the engineer responsible for engineering decisions and activities for GPD Engineering and Architecture Professional Corporation, Glaus, Pyle Schomer, Burns & DeHaven Inc. dba GPD Associates and Glaus, Pyle, Schomer, Burns & DeHaven Inc. dba GPD Group. Motion carried.

Engineering Excellence Inc. COA # 02829
Engineering Excellence National Accounts, LLC COA # 02892
Engineering Excellence Corporate, LLC COA # 02893
Engineering Excellence Cincinnati, LLC COA # 02895
Engineering Excellence Regional Services, LLC COA # 02896

In May 2012 the Board approved Greg Cochran, P.E. to replace James Manning, P.E. as being in responsible charge for the above firms. The Board received all of the above firm's COA renewal applications on April 15, 2013 in which they replaced Cochran as being in responsible charge with Donald Milinkovich, PE. The firms are wholly owned subsidiaries of Engineering Excellence Inc. and are all located at the same address in Cincinnati OH. The subsidiaries were formed to segregate the business activities into distinct divisions.

Milinkovich requested Board approval to be in responsible charge of the engineering activities and decisions for the above listed Engineering Excellence firms.

Motion by Mr. Dawson, second by Mr. Kohman, to approve Mr. Cochran's appointment as the engineer responsible for engineering decisions and activities and the COA applications for Engineering Excellence Inc., Engineering Excellence National Accounts, Engineering Excellence Corporate, Engineering Excellence Cincinnati, LLC and Engineering Excellence Regional Services, LLC. Motion carried.

Fechko Excavating Inc. (FEI) COA # 02482 and Green Land Surveying Co. (GLS) COA # 03222

The Board received a request from Fechko Excavating Inc. to change the professional surveyor listed in responsible charge of surveying activities and decisions to Jeffrey Green, P.S. Green owns GLS and was approved by the Board on 1/19/12 to be the professional surveyor in responsible charge for GLS and Shafer, Kline & Warren Inc. Green no longer works for Shafer, Kline & Warren and has accepted a full time position with FEI.

Green has requested Board approval to be in responsible charge of the surveying activities and decisions for both FEI and GLS.

Motion by Mr. Snyder, second by Mr. Dawson, to approve Mr. Green's appointment as the surveyor responsible for surveying decisions and activities for Fechko Excavating Co. and Green Land Surveying Co. Motion carried.

MEP Consulting Services Inc. (MEP) and Kraft Electrical Contracting Inc.(KEC) COA # 03163

Paul Sprong, PE is listed as being the professional engineer in responsible charge for KEC. Beginning June 1, 2013 Sprong would like to launch the opening of his own company MEP. In order to satisfy the requirements of obtaining a COA before offering services, Sprong is requesting to remain in responsible charge of KEC until his employment ends on May 31, 2013 and the Board grants a COA for his newly formed company MEP.

Motion by Mr. Kohman, second by Mr. Swearingen, to approve the COA for MEP Consulting Services Inc. Motion carried.

Staff will make Kraft Electrical Contracting Inc.'s COA inactive on June 1, 2013.

Gulf Interstate Engineering Company (GIE)

In July 2007 the Board received a letter stating that GIE no longer had a PE on staff and would not offer or provide engineering services in Ohio. On April 1, 2013 the Board received a new COA application for GIE. The Board staff contacted the professional engineer listed in responsible charge for the firm and requested information regarding the issuance of the license. The Board staff received a letter from GIE in which they state that they would like to obtain a COA for the possibility of obtaining work in Ohio. The letter stated that in 2008 GIE did do design for an interstate pipeline that partly goes through OH. The design work was done in TX and GIE was not involved in the construction.

GIE requested that the Board approve their new COA application.

Motion by Mr. Snyder, second by Mr. Kohman, to approve the COA of Gulf Interstate Engineering Company. Motion carried.

Savage Walker Engineering LLC (SWE) and Professional Engineering Group LLC (PEG) COA # 01072

On July 5, 2012 the Board received a new COA application for SWE. Mark Douglas Walker, P.E. is listed as the professional engineer and professional surveyor in responsible charge but is not an owner. Mark Walker owns and is listed as the professional engineer and surveyor in responsible charge for PEG. At its meeting on July 19, 2012 the Board tabled the application and directed the enforcement staff to gather additional information.

Walker has requested Board approval for SWE's COA application and to allow him to be in responsible charge of the professional engineering and surveying activities and decisions for SWE and PEG.

Motion by Mr. Snyder, second by Mr. Kohman, to approve the appointment of Mr. Walker as the engineer responsible for engineering decisions and activities on the Certificates of Authorization for Savage Walker Engineering LLC and Professional Engineering Group LLC. Motion carried.

Motion carried.

4. APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Report of May 24, 2013 was presented for approval.

Motion by Mr. Swearingen, second by Mr. Dawson, to approve the Credentials Review Committee Report of May 24, 2013. Motion carried.

5. RATIFICATION OF REGISTRATIONS ISSUED

The Board reviewed the registrations issued since the last Board meeting. The names and registration numbers of all approved applicants since the last meeting were presented on paper and electronic media.

Motion by Mr. Kohman, second by Mr. Snyder, to approve the registrations issued since the last meeting. Motion carried.

6. EXAMINATIONS

A. April 2013 Examinations

Mr. Greenhalge distributed the April 2013 exam summary and examinee survey results for Board review.

B. Ohio Professional Surveyor Exam Workshop

Mr. Greenhalge distributed the April 2013 Ohio PS summary report for Board review.

7. REPORTS

A. Executive Director's Report

Mr. Greenhalge reported that the Board's legislation to implement computer-based testing has been drafted by LSC and required a few minor changes. If the language is not submitted in the budget bill Senator Burke has agreed to sponsor the legislation.

Mr. Greenhalge has also received the language from LSC for the legislation addressing the Secretary of State's requirement for companies offering or providing engineering or surveying services to provide evidence that they have been registered by the Board. Senator Jones is trying to get the language in the budget bill. Mr. Greenhalge distributed the language to the Board before the meeting.

Mr. Greenhalge distributed a summary of the responses received from other states related to the evaluation and acceptance of degree deficiencies cited during degree evaluations. The Board reviewed the responses and Mr. Greenhalge will prepare a draft policy for the next meeting.

Mr. Greenhalge distributed the 3rd quarter financial statement to the Board.

Mr. Greenhalge requested Board approval for the following personal service contracts for FY 2014:

Examination Consultant

Test, Inc.	\$16,000
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Hearing Examiners

Blaugrund, Herbert & Martin (Marc Myers)	\$3,000
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Consultants

D. Bruce Larcomb, P.E., P.S.	\$3,000
William E. Norris, P.E.	\$3,000

Motion by Mr. Kohman, second by Mr. Dawson, to approve the personal service contracts for FY 2014. Motion carried.

B. Central Zone Meeting Report

Mr. Greenhalge and Mr. Kohman gave the Board a summary of the NCEES Central Zone meeting. The main topic was the conversion of the FE and FS exams to computer. NCEES is finalizing its procedures and the conversion is scheduled for January 1, 2014. Registration will begin in November 2013.

Mr. Greenhalge also provided a summary of the Board's proposed motion to be presented at the NCEES annual meeting to change the NCEES bylaws to provide one vote at council for each profession represented by a member board. There appears to be limited opposition to the proposal based on conversations at the Board President's assembly and the zone meeting. Most concerns were addressed as the proposal was changed in order to maintain the number of funded delegates to council meetings.

8. ENFORCEMENT

A. Review of investigation report

Professional Surveyor Case No. 12-094

On April 9, 2012 the Board received a complaint alleging that in 2001 SUBJECT performed a Mortgage Location Survey (MLS) on complainant's property. Complainant constructed a deck and carport based on the information contained in SUBJECT's 2001 MLS. According to the complainant, a new neighbor moved in and had an MLS and a full boundary survey performed by SUBJECT for his property adjacent to the complainant; however, the new MLS and boundary survey depicted complainant's property line, established by SUBJECT's 2001 MLS, to be off considerably. The new MLS and boundary survey show that the carport and deck built by complainant encroached upon the new neighbor's property.

On April 19, 2013 the Board received a signed settlement agreement wherein SUBJECT agreed to accept a reprimand, pay a \$250.00 fine and agreed to correct the MLS within thirty (30) days of the board's approval of this settlement agreement.

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

SUBJECT FIRM Case No. 13-042

On February 19, 2013 the Board received a complaint alleging that SUBJECT FIRM offered and provided engineering services for a project in Ohio. The Board's records indicate that SUBJECT FIRM does not have a Certificate of Authorization (COA) and SUBJECT FIRM is not registered with the Ohio Secretary of State (SOS).

The owner is a licensed professional engineer in Ohio. The Board's opened a complaint in 2011 due to disciplinary action taken against the firm's owner in Florida. The Florida Board suspended the owner's professional engineer license for unlicensed practice but later reinstated it. The Ohio Board did not take any action against SUBJECT FIRM's owner at that time due to his compliance with the Florida Board.

On March 8, 2013 the Board staff sent a notice of violation letter requesting a response to the complaint, a list of engineering projects and a COA application. On March 20, 2013 the Board received SUBJECT FIRM's response in which they stated that due to changes in personnel they were unaware that they were not licensed and that they performed 2 engineering projects in Ohio prior to the above complaint.

On April 24, 2013 the Board received a signed settlement agreement wherein SUBJECT FIRM agreed to accept a reprimand and pay a \$2000.00 fine for violations of R.C. 4733. SUBJECT FIRM also stated that they have requested a Certificate of Good Standing from California but have not received it. Once received they will apply for a charter registration number from the Ohio Secretary of State and submit the new COA application.

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

SUBJECT FIRM Case No. 2013-046

On March 11, 2013 the Board received a complaint alleging that SUBJECT FIRM submitted a proposal and was awarded the contract to provide professional engineering services to design and prepare plans and bid specifications to incorporate storm water best management practices into a mall parking lot located in Cleveland, Ohio. The Board's records indicate that SUBJECT FIRM does not have a Certificate of Authorization (COA); however, they are registered with the Ohio Secretary of State.

The Board staff received a telephone call from SUBJECT FIRM in which they stated they became aware of a complaint sent to the Board regarding their firm. They stated they were unaware of the COA requirement. The Board staff requested SUBJECT FIRM submit a letter of explanation, a list of engineering projects and a new COA application. On March 15, 2013 the Board received a letter of explanation, a list of 17 projects performed in Ohio and the new COA application, as well as a request for a temporary COA.

At its March 21, 2013 Board meeting the Board granted SUBJECT FIRM a temporary COA to provide engineering services and directed the staff to pursue a settlement agreement for violations of R.C. 4733.

On April 9, 2013 the Board received the signed settlement agreement wherein SUBJECT FIRM agreed to accept a reprimand and pay a \$1500.00 fine for the unlicensed practice of engineering.

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

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

Jayme Malone Case No. 2012-014

On June 13, 2011 SUBJECT voluntarily surrendered his Oklahoma professional land surveying license. SUBJECT failed to report this action to the Ohio Board as required. Subject did not renew his professional surveyor license for 2012.

On March 6, 2012 the Board staff filed charges with the Board Secretary citing violations of R. C. 4733 and on March 19, 2012 the Board opened an investigation, accepted charges and issued a Notice of Opportunity for Hearing.

A hearing was held on January 24, 2013. Hearing Examiner Myers submitted his Report and Recommendations to the Board on April 1, 2013. Hearing Examiner Myers found Malone guilty of the charges filed by the Board's staff and recommended Malone's Ohio PS registration be revoked.

Board staff received objections from Malone's attorney on April 19, 2013 regarding Hearing Examiner Myers R&R. The Board reviewed the case and the objections submitted by Mr. Malone.

Motion by Mr. Snyder, second by Mr. Kohman, to accept the Hearing Examiner's findings of fact, conclusions of law and recommendation to revoke Mr. Malone's registration as a professional surveyor based on the violations cited in the Hearing Examiner's report. Motion carried.

Paul Dey, PE Case No. 12-074

On January 3, 2012 the Board received a renewal application from Dey wherein he explained that he had pleaded guilty to Tampering with Records, a felony of the fourth degree. Dey explained that while under his supervision, a concrete contractor replaced more concrete pavement than had been included in the contract. Dey explained he prepared bid documents for a second contract to include the pavement replacement work that was already completed by the contractor. The fraudulent contract was awarded and the contractor was paid for the additional work provided on the previous project.

On February 17, 2012 Board staff received certified journal entries from Dey documenting his pleading guilty in the Cuyahoga County Court of Common Pleas to one (1) count of Tampering with Records, O.R.C. Section 2913.42, a fourth degree felony. Dey was sentenced to one (1) year of community control, required to pay restitution in the amount of \$22,000.00 and court costs/fines in the amount of \$2,500.00.

On September 27, 2012 the Board issued charges and a Notice of Opportunity for Hearing. A hearing was held on January 24, 2012. Hearing Examiner Myers submitted his Report and Recommendations to the Board on April 1, 2013. No objections were filed by Dey. Hearing Examiner Myers found Dey guilty of violating 4733 of the R.C. and A.C., and recommended Dey's registration as a professional engineer is suspended for six (6) months, with that suspension stayed on the following conditions: Probation for one (1) year with no further convictions or violations of statutes governing Registered Professional Engineers during that time.

Motion by Mr. Snyder, second by Mr. Dawson, to accept the Hearing Examiner's findings of fact and conclusions of law and adopt the recommendation of the Hearing Examiner. Motion carried.

John C. Stickney, P.E. Case No. 09-076

On December 13, 2012 the Board approved a settlement agreement wherein Stickney agreed to accept a \$1000.00 fine, received an eighteen (18) month suspension, successfully complete a professional ethics course approved by the Board and serve five (5) years of probation upon completion of his suspension.

On February 13, 2013 Stickney sent an email to the Board requesting approval of an ethics course provided by his employer to count towards the ethics course requirement in the Board's Settlement Agreement.

The Board directed the staff to advise Mr. Stickney that the course is unacceptable.

SUBJECT FIRM Case No. 11-042

On December 10, 2010 the Board received a complaint alleging that SUBJECT FIRM was offering and providing engineering services for a project in Ohio. The Board's records indicate that SUBJECT FIRM does not have a Certificate of Authorization (COA). The complainant stated that SUBJECT FIRM is a steel building manufacturer and advertises on their website that the purchaser will receive three (3) sets of stamped engineered blue prints by an engineer registered in their state.

On October 26, 2011 Board staff mailed a notice of violation letter requesting an explanation and a list of engineering projects performed in Ohio. On January 11, 2012 the Board received SUBJECT FIRM's response. The response explained that SUBJECT FIRM markets and sells steel building systems nationwide. SUBJECT FIRM explained that the manufacturer has professional engineers on staff that provides analysis and calculations for the manufacturer in assembling the correct kit to support the appropriate load requirements and code specifications for the area the steel building will be erected.

Board staff found on SUBEJCT FIRM's Order Acknowledgment and Acceptance document provided with the plans that the Order Certification states:

"SUBJECT FIRM cannot verify building load requirements determined by actual site conditions. Site-specific information, such as geographic features, historic weather information, site exposure, building end use, and the like, must be provided by a qualified professional at your choosing. It is your responsibility to verify the site-dependent criteria used by SUBJECT FIRM are appropriate for the project location and the intended use of the building. SUBJECT FIRM's design engineer is not the engineer of record, and cannot be construed as such."

The Board's staff further confirmed the above statement disclaimer was located below the manufacturer's professional engineer seal located on the sample plans and the complainant's set of plans copied from a project located in Ohio.

The Board has not received any further complaints since receiving the initial complaint indicating SUBJECT FIRM has been engaging in illegal activities.

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

Comity Applicant

No Case No.	N/A
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On April 17, 2013 the Board received an application for registration as a professional engineer from SUBJECT. SUBJECT is a resident of New York and registered as a professional engineer and according to his application, SUBJECT reports that in 1975 and at the age of 19, he was convicted of *Reckless Endangerment, a class D felony and Endangering the Welfare of a Child, a misdemeanor* in Wyoming County Court located in Warsaw, NY.

According to NCEES records, SUBJECT did report he had a prior conviction. SUBJECT reported to NCEES and the Board his convictions were a result of a "family related accident."

On April 22, 2013 Board staff requested SUBJECT to submit certified copies of any and all journal entries of convictions and a detailed summary of the events that led to his convictions.

On May 1, 2013 Board staff received additional information from SUBJECT regarding his reported convictions. The additional information received from SUBJECT identified the NY Penal Codes SUBJECT was convicted of and a letter explaining that SUBJECT had received an early release from his 5 year probation. SUBJECT did not provide a detailed summary of the incident that lead to his conviction.

On May 2, 2013 Board staff contacted SUBJECT by phone to discuss the incidents that lead to SUBJECT's convictions. SUBJECT explained that back in 1975 and at the age of 19 he shook his crying daughter who was less than 1 year old at the time, to the point she required immediate medical care and hospitalization. SUBJECT further stated that his daughter fully recovered and no other incidents of this nature have taken place. No other convictions or practice related issues have been found.

Motion by Mr. Snyder, second by Mr. Swearingen, to approve Mr. Emerson's application for registration as a professional engineer. Motion carried.

Unlicensed Person

Case No. 13-003

On July 11, 2012 the Board received a complaint alleging SUBJECT has been representing himself as an "Electrical Engineering Consultant" and offering/providing engineering services in Ohio without possessing a registration with this Board. Evidence provided to the Board included SUBJECT's business cards and copies of letters from the complainant to SUBJECT explaining that complainant will not seal engineering plans authored by SUBJECT.

On May 17, 2013 the Board received a signed settlement agreement wherein SUBJECT agreed to cease and desist from offering and providing engineering services and any representations that would tend to convey to the public that SUBJECT is an engineer or qualified to provide engineering services to the public.

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

On May 10, 2012 the Board received a complaint alleging SUBJECTS were hired as the Village Engineer near the end of the complainant's contract to provide consolidation and sewer improvements for The Village. The complainant alleged that at that time he was released from his contract and responsibilities by form of a letter. Although complainant was relieved from his contract, he continued to provide services to The Village by submitting a permit application before SUBJECTS were transitioned in to finalize bidding documents and administer the project through construction. Complainant further alleged that after being released of his duties, his stamped and signed drawings were delivered to the Ohio EPA with evidence that SUBJECTS altered complainant's drawings without taking responsibility or with complainant's knowledge or authorization.

Complainant submitted a full release letter regarding the project to the village that was denied.

On July 27, 2012 the Board received a written response to the complaint from SUBJECTS. SUBJECTS stated that they did take full responsibility for their changes regarding the design plans originally authored by complainant and altered by SUBJECTS. SUBJECTS believe they did not violate Ohio Laws or Rules regarding engineering with their handling of the project in question.

On May 21, 2013 the Board received a written report from the Board's consultant regarding his review of the allegations brought by the complainant. The Board's consultant does believe that SUBJECT's violated A.C. 4733-35-03 (C) by not placing their seal and signature on the changes initially sent to the Ohio EPA. The consultant further stated that the issue could have easily have been resolved and more importantly the matters of professional courtesy and stamping one's work are not incidental to the profession.

The Board directed the staff to send a warning letter advising that they cannot use someone else's plans without permission and they must seal their work product.

B. Arc Flash Analysis

Mr. Greenhalge discussed his findings from contacting other boards related to arc flash analysis.

9. CORRESPONDENCE

- A. Letter from Alex Marks requesting approval to apply for registration as a professional surveyor in Ohio. Marks has taken and passed the NCEES FS and PS exams in North Carolina and is a graduate of the University of Akron's surveying program. Marks is unable to complete his registration in North Carolina because he has not passed the drainage portion of the NC state surveying exam.

The Board directed Mr. Greenhalge to advise Marks that he may submit an application for registration by means of comity for Board review.

- B. Email from Eric Jackson requesting approval to apply for registration as a professional surveyor in Ohio. Jackson has taken and passed the NCEES FS and PS exams in Wisconsin. Jackson is unable to complete his registration in Wisconsin because he lacks local surveying experience.

The Board directed Mr. Greenhalge to advise Jackson that he may apply for registration as a professional surveyor after he has completed four years of surveying experience acceptable to the Board. Once Jackson has completed four years of experience he will be required to take the NCEES Principles and Practice of Surveying examination and the Ohio PS exam.

10. NEW BUSINESS

No new business was discussed.

11. UNFINISHED BUSINESS

- A. On March 17, 2013 the Board received a letter from Steven L. Gardner, P.S. concerning the taxing of severed mineral rights and if the deeds should comply with existing surface conveyance standards. Mr. Greenhalge contacted other state boards to see if they have experienced this issue and how it was addressed. Mr. Greenhalge will report the results of his survey.

Mr. Greenhalge distributed the limited responses received from other boards related to the preparation of deed descriptions for mineral rights. The Board determined that if mineral rights are purchased and a deed is created for the purpose of conveyance, then the deed must comply with the Minimum Standards for Boundary Surveys.

12. PUBLIC RELATIONS

Mr. Greenhalge is scheduled to speak at American Electric Power on July 30, 2013.

13. UPCOMING BOARD MEETINGS

The next meeting is scheduled for Tuesday July 16, 2013.

14. ADJOURNMENT

The Board adjourned at 12:30 p.m.

These minutes were written on May 29, 2013 and approved by the Board on July 16, 2013.

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

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

John F. Greenhalge
Executive Director