

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

Tuesday August 13, 2013

Members Present:

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

Staff Present

John F. Greenhalge	Executive Director
Amanda Ault	Assistant Executive Director
Jason P. McLean	Enforcement Supervisor
Karen Schick	Program Administrator
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 August 13, 2013 at 50 West Broad Street, Suite 1820, Columbus Ohio 43215 in the Board conference room. Chairman Mawhorr called the meeting to order at 9:30 a.m.

1. APPROVAL OF MINUTES

The minutes of the July 16, 2013 Board meeting were presented for approval.

Motion by Mr. Kohman, second by Mr. Dawson, to approve the July 16, 2013 meeting minutes as presented. Motion carried.

2. RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Present at the meeting:

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

3. BOARD REVIEW OF APPLICATIONS

A. Joseph M Connelly — Comity Applicant

Connelly is applying for registration as a professional engineer in Ohio. Connelly is currently licensed in Pennsylvania. Connelly has a BSMET from Point Park College, Pittsburgh, PA. Connelly took and passed the NCEES PE exam civil option in April 1981. Connelly's NCEES council record did not indicate that he completed 8 years of engineering experience prior to taking and passing the PE exam. Connelly has submitted additional information concerning his work experience.

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

B. Mark A Patterson — PE Exam Applicant

Patterson is applying to take the NCEES PE examination. Patterson has a BSEET and MSET from Brigham Young University and an MS in Electrical Engineering and PhD in Electrical Engineering from the University of Dayton.

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

C. Abdulrahim H Atassi — PE Exam Applicant

Atassi is applying to take the NCEES PE examination. Atassi has a BSCE from the University of Jordan and a MS in Structural Engineering from the University of Michigan. Atassi lists three employers on his experience form — only two include a PE as a supervisor. Ali Alghothani, PhD, PE signed as Atassi's supervisor for experience obtained in Homs, Syria for H.e.S.c.O Engineering Services. Alghothani also signed as Atassi's supervisor from experience obtained in the U.S. for Star Consultants, Inc. located in Columbus, Ohio. Alghothani is employed by Star Consultants. On August 2, 2013 Executive Director Greenhalge called Alghothani to ask about his supervision of Atassi for two different employers in two different countries. Alghothani stated that after graduating from the University of Michigan Atassi returned to Syria and worked for H.e.S.c.O Engineering Services, which was owned by Atassi and his father. Alghothani stated that Atassi and his father would prepare plans and he would review and seal them for projects in Syria, Saudi Arabia and other countries. Alghothani stated that he brought Atassi to the U.S. to work for him in April 2012. Alghothani stated he is also from Syria.

The Board reviewed the application and determined that it was incomplete since he has not completed four years of engineering experience in accordance with Board policy.

D. Amber K Bretland — PE Exam Applicant

Bretland is applying to take the NCEES PE examination. On her application Bretland reported a felony conviction for Disrupting Public Services in Bowling Green, Ohio.

The Board directed Mr. Greenhalge to contact Ms. Bretland's current supervisor and report back to the Board.

E. Breeze Walter — PE Exam Applicant

Walter has applied to take the NCEES PE examination for the third time. In July 2012 at its meeting the Board reviewed Breeze's application and denied it. In February 2013 the Board reviewed another application and denied it. The Board's evaluators noted that her experience was not under the direction

of a PE and appeared to be cost estimating rather than engineering experience. On May 2013 Walter submitted another application. This application contains experience covering the same period of time as the previous application; however, the experience is revised and contains a PE's signature as supervisor.

The Board directed Mr. Greenhalge to contact Ms. Walter's current supervisor and report back to the Board.

F. Kristan B Sears- PE Exam Applicant

Sears is applying to take the PE examination. Sears has an undergraduate degree in Business Administration from Keene University and a Master's degree in Mechanical Engineering from SUNY Binghamton. Sears' application did not contain supervisors' signatures and resumes/background for non-PE supervisors. On July 26, 2013 Board staff requested Sears to obtain signatures from supervisors and resumes/background info for non-PE supervisors as required per Board policy. Sears provided supervisor contact information but no resumes/background information for any supervisors. None of Sears' listed supervisors are professional engineers.

The Board reviewed Mr. Sears' application and determined it was incomplete since he did not provide the credentials of his supervisors listed on his application.

G. Shailabh Mazari- FE Exam Applicant

Mazari is applying to take the FE examination. Mazari has an undergraduate degree in Electrical and Electronics Engineering from Visveswaraiah Technological University, Belgaum Karnataka State, India and a Master's in Electrical and Computer Engineering from Portland State University. Portland State University does not have an accredited program in Electrical and Computer Engineering at the undergraduate level; however, Portland State does have accredited Computer Engineering and Electrical Engineering programs at the undergraduate level.

The Board directed Mr. Greenhalge to request a degree evaluation as required by law and by Board policy.

H. James William Davis- PE Exam Applicant

Davis is applying to take the PE examination. On his application Davis reported more than 30 years of experience, about 8 months under the supervision of a P.E. Davis did not include any resumes/background information for non-PE supervisors. The Board's evaluator granted 8 months of acceptable experience.

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

I. Joshua J Harmon- PE Exam Applicant

Harmon is applying to take the PE examination. Harmon's experience is not under the direction of a P.E. or with a firm registered to provide engineering to the public. Harmon did not include any resumes/background information for non-PE supervisors.

The Board reviewed the application and determined that it was incomplete since he has not completed four years of engineering experience in accordance with Board policy.

4. APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Reports of July 13 and August 12, 2013 was presented for approval.

Motion by Mr. Kohman, second by Mr. Snyder, to approve the Credentials Review Committee Reports of July 13 and August 12, 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. Dawson, second by Mr. Snyder, to approve the registrations issued since the last meeting. Motion carried.

6. EXAMINATIONS

A. ABET visits scheduled for fall 2013

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

Commission: EAC
School: University of Akron
Occurrence: General review
Dates: 10/20/2013 — 10/22/2013

Commission: EAC
School: Youngstown State University

Occurrence: General review
Dates: 10/27/2013 — 10/29/2013

Mr. Greenhalge will forward to Mr. Dawson the contact information for Youngstown State and the University of Akron.

7. REPORTS

A. Executive Director's Report

Mr. Greenhalge reported that he is preparing to hire an additional investigator.

B. NCEES Annual Meeting

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

The Board reviewed and discussed the motions for the 2013 NCEES Annual Meeting.

8. ENFORCEMENT

A. Review of investigation report

Derek Engineering of Ohio, Inc. Case No. 2013-062

On May 28, 2013 the Board received a complaint alleging that Derek Engineering was using the term *engineering* in its name. The Board's records indicated that Derek Engineering did not have a Certificate of Authorization. The Board sent Derek Engineering a letter requesting information on the type of services they offer. On July 22, 2013 the Board received a response from Derek Engineering indicating that the firm is a general contractor and they do not offer or provide professional engineering services.

On August 6, 2013 the Board received a signed settlement agreement from Derek Engineering wherein the firm agreed to remove the term *engineering* from the firm's name within 60 days.

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

Peters Engineering Case No. 2014-009

On August 7, 2013 the Board received an email from Peters Engineering advising the Board that the firm was working on a project in Ohio and needed to obtain a Certificate of Authorization (COA). The Board staff contacted the firm and was informed that the plans had already been submitted to the Building Department for plan review.

On August 12, 2013 the Board received a settlement agreement from Peters Engineering wherein the firm agreed to pay a \$1000.00 fine and receive a reprimand for violating Revised Code Chapter 4733. The firm also submitted a COA application.

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

The Board directed Mr. Greenhalge to review and approve the COA application once the Secretary of State assigns the firm a registration number and place the application on the CRC for the next Board meeting.

CHR Solutions, Inc.

Case No. 2014-005

The Board received a late Certificate of Authorization (COA) renewal application from CHR Solutions, Inc. (CHR). CHR's COA expired on June 30, 2012. As part of the renewal process CHR provided a list of engineering projects completed while their license was expired. CHR stated that they completed two engineering projects while their COA was expired.

On July 30, 2013 the Board received a signed settlement agreement wherein the firm agreed to pay a \$250.00 fine and receive a reprimand for violating Revised Code Chapter 4733 by practicing with an expired COA.

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

Richard Pohana

Case No. 2014-006

On July 1, 2013 Mr. Pohana contacted the Board and requested reinstatement forms. Pohana informed the Board that while his registration was expired he performed engineering and sealed engineering drawings in Ohio. The Board's records indicate that Pohana's professional engineer registration expired on December 31, 2011. On July 11, 2013 the Board received Pohana's reinstatement documents. Pohana stated that he signed and affixed his expired engineer seal to five engineering projects in Ohio while his registration was expired.

On July 29, 2013 Pohana signed a settlement agreement wherein he agreed to pay \$1000.00 fine and receive a reprimand for violations of Revised Code Chapter 4733.

Motion by Mr. Snyder, second by Mr. Dawson, to open an investigation, accept the settlement agreement, close the investigation and reinstate Mr. Pohana's registration. Motion carried.

B. Arc Flash Analysis

Mr. Greenhalge will distribute the draft advisory for further review.

9. CORRESPONDENCE

A. Army Corps of Engineers

The Board received a copy of an email from a professional engineer employed by the Army Corps of Engineers requesting assistance in clarifying Ohio's law pertaining to the requirement for professional engineers to report violations of law. The email included a memo from a Corps Section Chief that stated that their office is now being directed to NOT report possible licensure violations by private individuals and firms working under federal contract.

The Board directed the staff to draft a letter to the U.S. Army Corp of Engineers advising them that Ohio law requires Ohio registered professional engineers to notify the Board in writing if they are aware of violations of the registration act and that this requirement is in the NCEES Model Law and is true for most, if not all states.

B. Tom Snyder, P.S.

Mr. Snyder has asked the Board for an opinion as to whether a firm must provide copies, or allow a professional surveyor in responsible charge of certain surveys to make copies for the professional surveyor's own records of any and all work performed by the surveyor for that firm. Mr. Snyder also wants to know if the surveyor no longer works for a firm in which he or she performed surveying work, would the former employer have to provide copies of the work performed by the surveyor while employed by the firm upon the surveyor's request.

The Board directed the staff to advise Mr. Snyder that this is a legal matter and outside of the Board's jurisdiction.

10. NEW BUSINESS

The Board has become aware that if a foreign corporation applies for registration with the Ohio Secretary of State and the firm's name is already registered, the firm must apply under a new name. In the Secretary of State's on-line record search the firm's new name is listed and the firm's foreign name is listed in parenthesis. The firm is advised by the Secretary of State that while operating in Ohio they should not use the foreign (original) name.

The Board reviewed the Secretary of State policy and advised staff that the Board will list foreign corporations in the Board's database to be consistent with the Secretary of State. The Ohio name will be listed with the foreign (original) name listed beside it in parenthesis.

11. UNFINISHED BUSINESS

A. Letter from Larry L. Gardner, P.S.

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 NCEES member boards for input. Few responses were received.

No action taken.

B. COA Application from Jack A. Hamilton & Associates and Chadan Engineering

Charles Garvick, PE is requesting Board approval to be in responsible charge of the engineering activities and decisions for Chadan Engineering, Inc. (COA #03262) and Jack A. Hamilton and Associates, Inc. (COA #01085).

On July 9, 2013 the Board received a request from Charles Garvick, PE to be the professional engineer responsible for the engineering decisions and activities for Chadan Engineering, Inc. and Jack A. Hamilton and Associates, Inc. On July 16, 2013 the Board reviewed the request and advised Board staff to obtain additional information concerning the services offered by Chadan Engineering and its ownership.

On July 18, 2013 Mr. Garvick submitted a letter in which he explained that the letterhead included surveying services because Chadan Engineering used to provide surveying services in West Virginia when Mr. Garvick's father, who was a professional surveyor, owned the company. Mr. Garvick stated that his father has recently passed and Chadan Engineering ceased offering surveying services. Mr. Garvick explained he is in the process of changing the letterhead. Mr. Garvick stated that he owns 90% of the company and his brother Daniel owns 10%. Mr. Garvick stated that his brother works full-time in Michigan for the U.S. government and does not work for the company. Mr. Garvick explained that the only other employee in the firm is his wife and she is employed as a part-time administrator in the West Virginia office.

Mr. Garvick is requesting the Board allow him to remain the professional engineer in responsible charge for Chadan Engineering, Inc. so that he may continue to offer part-time engineering services and also allow him to be the full-time professional engineer in responsible charge of the engineering for Jack A. Hamilton and Associates, Inc., which will be his primary employer.

Motion by Mr. Snyder, second by Mr. Kohman, to approve the COA application for Chadan Engineering and to allow Mr. Garvick to be responsible for engineering activities and decisions for both Chadan Engineering and Jack A. Hamilton & Associates. Motion carried.

12. PUBLIC RELATIONS

The certificate ceremony will be held in the Statehouse Atrium on Saturday, August 17, 2013. Mr. Snyder will speak on behalf of the Board.

13. UPCOMING BOARD MEETINGS

The next meeting is scheduled for Tuesday, October 15, 2013.

14. ADJOURNMENT

The Board adjourned at 12:25 p.m.

These minutes were written on August 14, 2013 and approved by the Board October 15, 2013.

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

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

John F. Greenhalge
Executive Director