

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

Tuesday July 15, 2014

Members Present:

Nelson E. Kohman, P.E.	Chair
Bert Dawson, P.E., P.S.	Vice Chair
Dean C. Ringle, P.E., P.S.	Secretary
David L. Cox, P.S.	Member

Staff Present

John F. Greenhalge	Executive Director
Amanda Ault	Assistant Executive Director
Joel Mick	Investigator
Rachel Huston	Assistant Attorney General

CALL TO ORDER

The State Board of Registration for Professional Engineers and Surveyors held its regular meeting on Tuesday July 15, 2014 at 50 West Broad Street, Suite 1820, Columbus, Ohio 43215 in the Board conference room. Chair Nelson Kohman called the meeting to order at 9:30 a.m.

1. CONSENT AGENDA

A. Investigations Report- Consent Items

Motion by Mr. Dawson, second by Mr. Ringle, to approve the consent agenda. Motion carried.

Professional Engineer Case No. 14-031

On October 23, 2013 SUBJECT notified the Board that on April 27, 2012 SUBJECT voluntarily surrendered his Florida professional land surveying license. SUBJECT failed to report this action to the Ohio Board within sixty (60) days as required.

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.

Case #1-2008-050713: Alleges twenty-three (23) counts of failing to meet the State of Florida's Minimum Technical Standards (MTS).

Case #2-2009-027467: Alleges ten (10) counts of failing to meet the State of Florida's Minimum Technical Standards (MTS) and other laws and rules.

Case #3-1101-03132: Alleges seven (7) counts of failing to meet the State of Florida's Minimum Technical Standards (MTS).

According to the agreement with the Florida Board, SUBJECT relinquished his professional surveyor's license and agreed to never reapply to the Florida 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.

On May 29, 2014 SUBJECT forwarded a letter to the Board from the Florida Board indicating that the Florida Board considers the matter closed and will not review SUBJECT's request to reinstate his license in that state.

On June 26, 2014 the Board received a signed settlement agreement wherein SUBJECT agreed to accept a three (3) year probationary period, pay a two-thousand (\$2000.00) dollar fine, complete a Board approved ethics course, and receive a public reprimand.

Move to accept the settlement agreement and close the investigation.

ACTION: The motion passed as part of the consent agenda.

Professional Engineer Case No. 14-059

On January 2, 2014, during a routine NCEES Enforcement Exchange check, Mr. Seaverson was found to have had his professional engineer's registration suspended in South Carolina. Further investigation found that the South Carolina Board of Professional Engineers and Surveyors suspended Mr. Seaverson for failing to report a disciplinary action in Minnesota on his South Carolina 2012 renewal.

During the course of this Board's investigation, Mr. Seaverson failed to respond to multiple requests for information from Board staff.

During its meeting on May 27, 2014, the Board opened an investigation and voted to charge Mr. Seaverson with violations of R.C. 4733 and issue a notice for opportunity for hearing.

On July 1, 2014 Mr. Seaverson agreed to enter into a settlement agreement with this Board wherein he would voluntarily surrender his Ohio professional engineer registration.

Move to accept the settlement agreement and close the investigation.

ACTION: The motion passed as part of the consent agenda.

Engineering Firm Case No. 14-109

On June 9, 2014 Board staff received a Certificate of Authorization reinstatement application and memo from SUBJECT FIRM reporting that the firm provided seven engineering projects in Ohio while the SUBJECT FIRM's Certificate of Authorization was expired.

During the investigation of this matter a representative of the SUBJECT FIRM stated the firm's administrative staff inadvertently failed to renew their Certificate of Authorization due to an oversight. On June 12, 2014 the SUBJECT FIRM signed a settlement agreement wherein they agreed to pay a \$500 fine for offering and providing engineering services in Ohio at a time when the firm did not possess an active COA.

Move to open investigation, accept the settlement agreement, and close the investigation.

ACTION: The motion passed as part of the consent agenda.

2. APPROVAL OF MINUTES

The minutes of the May 27, 2014 Board meeting were presented for approval.

***Motion by Mr. Ringle, second by Mr. Dawson, to approve the May 27, 2014 meeting minutes.
Motion carried.***

3. RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Melinda Gilpin, Professional Land Surveyors of Ohio
Holly Ross, Ohio Society of Professional Engineers
Jeffrey V. Green, P.S., Gullett & Associates, Inc.
George Armstrong, P.E., P.S., Cincinnati State Technical and Community College

Request for Board Approval of Surveying Program

George Armstrong appeared on behalf of Cincinnati State Technical and Community College to request Board review and approval of a proposed degree pathway in surveying offered by Cincinnati State Technical and Community College and the University of Cincinnati. The program would have students complete the ETAC/ABET accredited Associate of Applied Science degree- Civil Engineering Technology-Surveying Option and the advanced surveying certificate at Cincinnati State Technical and Community College. After completing the coursework at Cincinnati State the students would transfer to the University of Cincinnati (Blue Ash or Clermont campuses) and complete a Bachelor of Applied Administration. The program would take about five years to complete full-time.

Mr. Armstrong stated that this proposed program would provide an improved opportunity for Ohio students to obtain the requisite education to become a registered professional surveyor. Mr. Armstrong stated that the University of Cincinnati seems eager to move forward with this program and that the classes are currently in place. Many of the classes are hybrids or online, so the program would be available to students state-wide.

Mr. Armstrong said that Cincinnati State would like to make the program available in the fall. The fall registration deadline is August 25.

Mr. Ringle stated that he would like the Board to evaluate the program against the NCEES Education Standard so that the Board is not approving programs that vary too far from the standard. Also, it would be an opportunity for the degree to be recognized by other jurisdictions. Mr. Greenhalge stated that the Board will begin immediately to have the curriculum evaluated, and try to have the evaluation completed and to the Board at the August 19 meeting.

4. BOARD REVIEW OF APPLICATIONS

A. TEC Engineering & Dennis Blevins- COA Applicant

Dennis Blevins, P.S. is requesting to be listed as the surveyor responsible for, and in responsible charge of surveying activities and decisions for both firms.

Motion by Mr. Cox, second by Mr. Ringle, to approve the COA applications for TEC Engineering and Dennis Blevins, P.S. Motion carried.

B. Facemyer Landscaping, LLC and TRC Surveying, LLC- COA Applicant

Dustin R. O'Neal, P.S. is requesting to be listed as the surveyor responsible for, and in responsible charge of surveying activities and decisions for both firms.

Motion by Mr. Cox, second by Mr. Ringle, to approve the COA applications for Facemyer Landscaping, LLC and TRC Surveying, LLC. Motion carried.

C. Carey M. Schneider- PE Exam Applicant

Carey M. Schneider is requesting approval to take the NCEES PE examination.

The Board reviewed Mr. Schneider's application and directed the staff to request that Schneider provide professional engineers to verify his experience listed at Techneglas and Anchor Hocking.

D. James F. Welch- PE Exam Applicant

James F. Welch is requesting approval to take the NCEES PE examination. Welch has reported a felony conviction on his application.

Motion by Mr. Ringle, second by Mr. Cox, to approve Welch's application to take the PE examination. Motion carried.

E. Elton K. Cooper- PS Exam Applicant

Elton Cooper is applying to take the PS examination. He has reported several convictions on his application.

At its meeting on February 16, 2011 the Board reviewed the information pertaining to Cooper's convictions and numerous letters of recommendation and approved Cooper's application to take the FE examination. Cooper reports that he has had no additional incidents since he applied to take the FE examination.

Motion by Mr. Cox, second by Mr. Dawson, to approve Cooper's application to take the PS examination. Motion carried.

F. Scott A. Strahley- PS Exam Applicant

Scott A. Strahley is applying to take the PS examination. The Board evaluator and staff have identified the following problems with the application:

- No PS signatures for any surveying experience
- The surveying experience claimed overlaps with engineering experience he claimed on his PE application
- Strahley reports no surveying experience since 2008

The Board reviewed Strahley's application and determined that it was incomplete. The Board requested staff to advise Strahley that he does not have the requisite experience and that he must obtain signatures from his professional surveyor supervisors.

G. Mary Ellen Kimberlin- COA Applicant

Mary Ellen Kimberlin is requesting Board approval to be listed as the person responsible for, and in responsible charge of, engineering and surveying activities and decisions on two firms- Euthenics, Inc. and Mary Ellen Kimberlin, LLC.

Motion by Mr. Ringle, second by Mr. Cox, to approve the COA applications for Mary Ellen Kimberlin, LLC and Euthenics, Inc. Motion carried.

H. Benjamin E. Chauvin- PE Comity Applicant

Benjamin E. Chauvin is applying for registration in Ohio as a professional engineer based on his license in Louisiana. Based on information in Chauvin's NCEES Council Record he appears to be short of the four-year experience requirement.

The Board reviewed Chauvin's application and determined that it was incomplete since he has not completed the requisite experience.

I. James E. Deitrick- PS Exam Applicant

James E. Deitrick is applying to take the NCEES PS examination. Deitrick is claiming surveying experience that was not performed under a P.S. or at a surveying firm.

The Board reviewed Deitrick's application and determined that it was incomplete since he has not completed the requisite experience.

J. Daniel A. Perhay

Daniel Perhay is applying to take the NCEES FE examination. He does not have an ABET accredited undergraduate engineering degree. Perhay has a degree in engineering physics from John Carroll University and a Master's degree in electrical engineering from Cleveland State University. Perhay had his undergraduate degree evaluated by NCEES Credentials Evaluations. The evaluation found that his undergraduate degree meets the NCEES Education Standard.

Motion by Mr. Ringle, second by Mr. Dawson, to approve Perhay's application to take the PE examination. Motion carried.

5. APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Report of June 30 and July 14, 2014 were presented for approval.

Motion by Mr. Ringle, second by Mr. Dawson, to approve the Credentials Review Committee Reports of June 30 and July 14, 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. Ringle, second by Mr. Dawson, to approve the registrations issued since the last meeting. Motion carried.

7. EXAMINATIONS

A. April 2015 Exam Schedule

Mr. Greenhalge presented for Board review and approval a draft schedule for the April 2015 exams to be administered by NCEES Exam Administration Services on Friday April 17 and Saturday April 18, 2015. Completed exam applications will be due by Friday December 19, 2014. The deadline for re-exam applicants who did not pass in October 2014 will be Friday January 16, 2015.

DECEMBER 15, 22, 29, 2014	CRC
DECEMBER 19, 2014	APPLICATION DEADLINE (OH BOARD)
JANUARY 16, 2015	DEADLINE FOR RE-EXAMS
JANUARY 5, 12, 19, 26, 2015	CRC
FEBRUARY 2, 9, 16, 2015	CRC
To be determined	NCEES DEADLINE
APRIL 17	PE/PS, SE Vertical Examinations

APRIL 18

SE Lateral Examinations

Motion by Mr. Cox, second by Mr. Dawson, to approve the April 2015 exam schedule. Motion carried.

B. ABET visits scheduled for fall 2014

Commission: EAC
School: Ohio Northern University
Occurrence: General Review
Number of programs: 5
Dates: 9/28/2014 — 9/30/2014

Mr. Ringle may be able to attend.

8. REPORTS

A. Executive Director's Report

a) NCEES Annual Meeting

The NCEES annual meeting will be held August 20-23, 2014 in Seattle WA. Mr. Ringle, Mr. Greenhalge and Ms. Ault will attend the meeting. Mr. McLean will attend the Law Enforcement program.

NCEES has prepared a summary of the motions that will be considered at the annual meeting. Mr. Greenhalge distributed the summary to the Board.

b) 2015 Board Meeting Schedule

Mr. Greenhalge presented for Board review and approval the 2015 Board meeting schedule. Board meeting dates are scheduled on the third Tuesday of the month.

JANUARY 20	BOARD MEETING
FEBRUARY 17	BOARD MEETING
MARCH 17	BOARD MEETING
April 30 — May 2	NCEES CENTRAL ZONE MEETING (Hershey, PA w/ Eastern Zone)
MAY 19	BOARD MEETING
JULY 21	BOARD MEETING
AUGUST 18	BOARD MEETING
AUGUST 19 — 22	NCEES ANNUAL MEETING (Williamsburg, VA)
OCTOBER 20	BOARD MEETING
NOVEMBER 17	BOARD MEETING

Note: There are no meetings scheduled in April, June, September or December.

Motion by Mr. Dawson, second by Mr. Cox, to approve the 2015 Board meeting schedule. Motion carried.

B. Finance

Mr. Greenhalge and Ms. Ault distributed the end of the year summary and performance measures for June 2014.

Mr. Greenhalge is requesting Board approval for the following personal service contracts for FY 2015:

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
Franklin Snyder, Jr., P.S.	\$3,000
Ralph Marrone, P.E.	\$3,000

Motion by Mr. Dawson, second by Mr. Cox, to approve the personal services contracts requested by Mr. Greenhalge. Motion carried.

C. Legislative Report

A hearing on the Board's proposed rules will be held in the Board conference room at 3:00 p.m.

9. ENFORCEMENT

Motion by Mr. Ringle, second by Mr. Dawson, to go into Executive Session pursuant to Ohio Revised Code, Section 121.22 (G) (1), to consider complaints against licensees or regulated individuals. Mr. Greenhalge recorded a roll call vote:

Roll call vote:

**Mr. Kohman- Yes
Mr. Dawson- Yes
Mr. Cox- Yes
Mr. Ringle- Yes**

Motion carried. The Board entered into executive session at 11:15 a.m.

Mr. Kohman invited Mr. Greenhalge, Ms. Ault, Ms. Huston, and Mr. Mick to attend the executive session.

The executive session ended at 12:43 p.m.

ACTIONS TAKEN AS A RESULT OF EXECUTIVE SESSION

A. Review of investigation report- non consent agenda items

Professional Engineer/Surveyor Case No. 12-110

On May 18, 2012 the Board received a complaint alleging SUBJECT may have engaged in plan stamping while providing services for a project located in Cincinnati, Ohio. The evidence provided indicated SUBJECT affixed his seal and signature to the exact set of engineering and architectural plans that were authored by an unlicensed person. In addition to the complaint were two separate sets of plans, but clearly identical.

On April 7, 2014 the Board received a written response from SUBJECT explaining that he was approached in 2010 to provide engineering services for the project, which was similar to several he had worked on prior. SUBJECT claimed that this project was only different in that it needed an upgrade for code or had an expired permit. SUBJECT further explained that he would agree to provide the engineering if the client would supply the drafting services for the "cookie cutter" plans. SUBJECT stated the client had a well-developed set of plans already completed, so SUBJECT, after a few CAD version issues and font style changes were made, engineered the building, checked loading, and made few changes. SUBJECT stated that after he made changes to the plans, they were returned electronically to the client for the successful submission for permits.

SUBJECT stated that shortly after obtaining the permit, he revisited the site to provide a report related to anchor bolts in one of the garage units. In addition, SUBJECT stated he believed the complaint could have been avoided had the complainant contacted him directly, opposed to the applicant for permit.

The Board had the complaint and plans evaluated by a consultant. The consultant reported that the only changes he found SUBJECT made differing from that of the unlicensed set are minimal. The consultant stated in his report that it is his belief based upon the evidence provided, SUBJECT engaged in plan stamping. In addition, the consultant believes the project to be primarily architectural, and all revisions appear to be clerical in nature.

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

Professional Engineers and Engineering Firm Case Nos. 14-002, 14-003, 14-004

On March 12, 2012 the Board received a complaint alleging SUBJECT'S falsely claimed disadvantaged business status on a number of federally-funded transportation projects. Two firms involved in this complaint have been debarred from the MBE program by either ODOT or DAS.

The Board has received Certificate of Authorization renewal applications from the two engineering firms involved in this investigation.

Motion by Mr. Ringle, second by Mr. Dawson, to approve the Certificate of Authorization renewal applications for Civil Engineers of Southwest Ohio DBA CESO, Inc. and TES Tec for 90 days. Motion carried.

Professional Engineer

Case No. 14-015

On September 18, 2013 the Board received a complaint from an anonymous source requesting that the Board review the qualifications of SUBJECT. In addition, the complainant indicates SUBJECT provides services beyond his area of expertise. Attached to the complaint were several news articles and copies of city meeting minutes documenting SUBJECT's projects and relationship to the city.

Upon a review of the Board's licensure database, it was also found that SUBJECT has been offering and providing services as a sole proprietor; however, he has not obtained a COA from this Board.

On February 18, 2014 the Board received a written response from SUBJECT. Attached to the response were work contracts, City Administration building basic plan set, City Justice Center basic plan set, and a general background resume.

According to the response filed, SUBJECT obtained a BSME from the Ohio State University in 1979, and received his P.E. registration from this Board in 1984. In addition, SUBJECT explained he was a licensed Plans Examiner from 1995-2012. The types of services SUBJECT has reported since obtaining his licensure include:

- Power Plant Project Engineer, Service Corp. Special Projects Engineer, Engineering Liaison between Plant and Service Corp., small scale residential and commercial plans/permits, and currently providing commercial/industrial plans/permits/construction support. SUBJECT indicates that he also provides miscellaneous engineering consulting services.

The Board had the complaint and documents reviewed by a consultant. The consultant reported that the plans prepared by SUBJECT include site, architectural, foundation, structural, plumbing and electrical details. The consultant believes that SUBJECT provided engineering across multiple disciplines, to include, civil, structural, mechanical and electrical engineering; however, the projects are primarily architectural.

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

Professional Engineer/Surveyor

Case No. 14-102

On May 19, 2014 Board staff was notified of media reports which stated that SUBJECT had been charged recently in an alcohol related domestic violence incident. Subsequent investigation found the SUBJECT had been charged with domestic violence and arrested, which stemmed from an alcohol related incident involving his girlfriend on May 16, 2014.

In addition, since 2000 the SUBJECT has been charged with multiple alcohol related offenses including resisting arrest, disorderly conduct, driving under the influence, and attempted assault. A temporary protection order was issued at the time of the SUBJECT's arraignment, and a pretrial hearing is scheduled for late July.

No action taken.

Professional Engineering Firm Case No. 14-105

On May 29, 2014 the Board received an envelope containing media reports of Mr. Thomas M. Smith, former Grafton, OH village councilman pleading “no contest” to a misdemeanor charge of Persistent Disorderly Conduct, which was related to gifts he received while in public office from SUBJECT FIRM.

The Ohio Attorney General’s Office Bureau of Criminal Investigation (BCI) investigated Mr. Smith for receiving improper gifts from SUBJECT FIRM while he was in an elected position for the village council. The Village of Grafton utilized the SUBJECT FIRM for the entirety of their engineering requirements. The nature of the gifts reportedly received by Mr. Smith and provided by the SUBJECT FIRM were rounds of golf, meals, and athletic event tickets; one of which was worth in excess of \$595.00.

On May 22, 2014, Mr. Smith pleaded guilty to one count of Persistent Disorderly Conduct relating to the investigation. The violation relating to receiving gifts while in public office was dismissed. At this time, no person at the SUBJECT FIRM has been charged; although, professional engineers registered with this Board were identified within the BCI investigation as providing the gifts to Mr. Smith.

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

Unlicensed Individual Case No. 14-107

On June 4, 2014 Investigator Chad Holland of the Ohio Architects Board forwarded information wherein the Architects Board ruled a project completed by the SUBJECT, a registered architect, provided services that consisted of the practice of engineering, rather than practice incidental to architecture.

The services were provided on a Pickerington, Ohio project which included design services for a commercial kitchen exhaust hood; but also mechanical, electrical, and plumbing drawings for the project.

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

Professional Surveyor Case No. 14-110

On May 14, 2014 the Board received a letter from SUBJECT stating that because of the heavy business travel schedule he finds himself far from the office and has to review projects remotely. SUBJECT stated that he is in contact with his survey manager, project manager, operations managers and firm president on a daily basis.

SUBJECT explained that in the course of litigation with a disgruntled employee, SUBJECT learned that he may have violated Ohio laws and rules when according to SUBJECT, “authorized one of a few of my trusted employees to apply my signature and seal to some of my surveys.” SUBJECT stated that it was his belief that it was an acceptable practice and would have never done it had he realized it was a violation of the Board’s laws and rules.

SUBJECT subsequently goes on to state in his written letter that he has changed his procedures to correct that step in the process of performing surveys.

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

Professional Engineer Comity Applicant Case No. 14-111

During staff review of SUBJECT's NCEES PE Comity Application the staff noticed that although SUBJECT responded negative to the question, *have you had a disciplinary action involving professional or vocational license, or registration, or had an application for the same denied in Ohio or another U.S. state or jurisdiction?*, there was documentation in SUBJECT's NCEES record indicating that he was disciplined by the Texas Board of Professional Engineers.

Board staff found in the NCEES summary sheet included in the file that SUBJECT had received disciplinary action from the Texas Board of Professional Engineers in 2005 for misconduct. SUBJECT entered into a Consent Order with the Texas Board of Professional Engineers on August 11, 2005 wherein SUBJECT agreed to accept an informal reprimand and pay a \$240.00 administrative penalty.

SUBJECT stated in a written letter to the Board that his employee filled out the application and was unaware that SUBJECT had a previous disciplinary action taken against his professional engineer's registration.

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

Professional Engineer/Surveyor Case No. 13-060

On April 15, 2013 the Board received a complaint alleging that SUBJECT may have violated Ohio Revised Code (R.C.) Sections 4733.20 (A) (2) & (5) and Ohio Administrative Code (A.C.) Section 4733-37. The complaint specifically alleges that SUBJECT failed to meet the Minimum Standards for Boundary Surveys on a survey SUBJECT performed for the property located at 7213 Shaker Road, Franklin, Ohio 45005.

The complainant stated that SUBJECT performed a boundary survey of complainant's property and when finished, SUBJECT did not record the survey. Complainant further stated that SUBJECT has refused to cooperate by testifying in court for complainant unless complainant pays him \$500.00. Attached to the complaint was a marked up aerial photo that complainant said he received from SUBJECT as documentation of the survey performed. The marked up aerial photo has been attached to this report for your review.

Board staff mailed SUBJECT a letter by certified mail requesting SUBJECT to submit a notarized written response. The letter specifically requested SUBJECT to include a copy of any and all project files, plats, correspondence and all other documents and information he utilized to perform the surveying services for the residence in question. Despite repeated requests for information, SUBJECT has failed to respond to the Board's requests.

Motion by Mr. Ringle, second by Mr. Dawson, to accept the charges filed by the Board's investigator and issue a notice of opportunity for hearing. Motion carried.

Eric Exley- Request for Reinstatement

During a routine search of the NCEES Enforcement Exchange it was discovered that Eric L. Exley, P.E, had received a suspension of his Pennsylvania Professional Engineers license on September 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 prescribed by R.C 4733.20(A)(4) and O.A.C 4733-35-7.

On Jan 21, 2014 the Board voted to accept a settlement agreement wherein Mr. Exley agreed that his Ohio Professional Engineer license would be suspended until such time Mr. Exley can submit proof that his Professional Engineer license is in good standing in all other states and U.S. Territories.

Since that time Mr. Exley has successfully reinstated his license in the required states, with the exception of Tennessee which has refused to renew his professional engineer license. The Tennessee Board of Architecture and Engineering Examiners' Executive Director provided a letter to Mr. Exley acknowledging the terms of the Board's settlement agreement, though still refused to renew his license due to the settlement agreement Mr. Exley signed with the Tennessee Board.

Mr. Exley is requesting that the Board reinstate his Ohio professional engineer registration as he has completed all the terms of this Board's settlement agreement.

Motion by Mr. Ringle, second by Mr. Dawson, to reinstate Mr. Exley's professional engineer registration. Motion carried.

Roy Light, P.S.- Request for Extension to Complete Ethics Course

On January 2, 2014 the Board received Roy W. Light's professional engineer renewal application in which Mr. Light reported that on October 24, 2013 he pled guilty to Making False Statements under the Clean Water Act, in the United States District Court of Southern Ohio. This disclosure of pleading guilty to a felony fell outside the Board's prescribed sixty (60) days to report such convictions.

On February 18, 2014 the Board voted to accept a settlement agreement wherein Mr. Light agreed to accept a two year stayed suspension with probation provisions, successfully complete a Board approved ethics course, pay a two-thousand dollar (\$2,000) fine, and receive a public reprimand.

The settlement agreement accepted by this Board stipulated the Board approved ethics course must be completed by August 1, 2014.

Mr. Light is requesting a four month extension for the Board approved ethics course.

The Board reviewed Mr. Light's request and directed Mr. Greenhalge to advise Mr. Light that the extension was approved.

END OF ACTIONS TAKEN AS A RESULT OF EXECUTIVE SESSION

Peter K. Theodorakakos, P.E.

Case No. 14-046

On November 22, 2013 the Board staff received a 2014-2015 Professional Engineer License Renewal Application from Peter K. Theodorakakos wherein Mr. Theodorakakos self-reported he had pled guilty to a Federal felony charge of Conspiracy to Commit Bank Fraud. Upon investigation by Board staff it was determined Mr. Theodorakakos 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 Mr. Theodorakakos pled guilty to one count of Conspiracy to Commit Bank Fraud, which resulted in a \$1,975,000.00 loss to the Federal Deposit Insurance Company. The indictment stated Mr. Theodorakakos received \$40,000.00 from one of the co-conspirators for his part in the fraud.

Additionally, Mr. Theodorakakos reported pleading guilty to the felony on the renewal application he dated Nov 18, 2013. The actual date Mr. Theodorakakos pled guilty according to court documents was May 14, 2013- one hundred and twenty-eight days over the allotted sixty days prescribed by this Board in Ohio R.C 4733.20(A)(4) and Ohio A.C 4733-35-7.

On April 21, 2014 staff received the certified copy of the final sentencing judgment which sentenced Mr. Theodorakakos to 24 months federal custody and restitution of \$1,975,000.00.

During its May 27, 2014 meeting the Board voted to charge Mr. Theodorakakos with violations of R.C. 4733 and issue a notice for opportunity for hearing. Mr. Theodorakakos did not request a hearing.

The Board reviewed the case and made the following motion:

Motion by Mr. Ringle, second by Mr. Cox, to revoke Mr. Theodorakakos's professional engineer registration based on the facts presented and issue a final order. Motion carried.

Richard Hiatt, P.E.

Case No. 14-063

During a routine search of the NCEES Enforcement Exchange database it was discovered that SUBJECT's Kentucky license was revoked by the Kentucky Board of Professional Engineers and Land Surveyors for failing to complete the continuing education requirement.

Since the onset of this Board's investigation, Mr. Hiatt has failed to respond to inquiries from Board staff. During the course of the Kentucky Board's investigation, Mr. Hiatt refused to cooperate with any aspect of their investigation.

On April 29, 2014, the Board voted to charge SUBJECT with violations of R.C. 4733 and issue a notice of opportunity for hearing. Mr. Hiatt did not request a hearing.

Motion by Mr. Ringle, second by Mr. Dawson, to revoke Mr. Hiatt's professional engineer registration based on the facts presented and issue a final order. Motion carried.

Gerald Hasbrouck, P.E.

Case No. 14-073 and 14-100

On January 23, 2014 the Board obtained information that Hasbrouck Engineering, Inc. had been providing engineering services with an expired Certificate of Authorization.

On March 6, 2014 Mr. Hasbrouck, owner of Hasbrouck Engineering Inc, provided a project list which reflected Hasbrouck Engineering, Inc. provided engineering services on thirty-five (35) projects at a time the firm did not hold an active Certificate of Authorization with this Board. Previously, on February 17, 2010, this Board fined Mr. Hasbrouck \$4,700.00 for unlicensed practice.

On May 6, 2014 the Board obtained evidence which indicated that Mr. Hasbrouck regularly affixed his professional engineering seal, signature, and date to engineering plans for which he had no personal professional knowledge, direct supervisory control, or responsibility thereof, for unlicensed contractors. The information was developed from multiple reliable sources who either currently or formerly worked for an unlicensed contractor providing engineering services in the greater Columbus area. The unlicensed contractor utilized Mr. Hasbrouck to affix his professional engineer seal to engineering plans that were not prepared under his direction or supervision. One witness reported observing Mr. Hasbrouck affix his professional engineering seal, signature, and date to fifty to one-hundred plans that were not prepared under Mr. Hasbrouck's direct supervisory control for approximately \$500 to \$1,000 a project over a two year period.

On May 12, 2014 the Board obtained evidence which reflected that Mr. Hasbrouck affixed his professional engineering seal, signature, and date to engineering disciplines outside Mr. Hasbrouck's area of expertise. Subsequently, during an interview with Board Enforcement staff, Mr. Hasbrouck made statements he knew to be false when he stated he only provides structural and civil engineering services. Evidence in the Board's possession reflected Mr. Hasbrouck affixed his seal to plans involving other disciplines of engineering.

During its May 27, 2014 meeting the Board voted to charge Mr. Hasbrouck with violations of R.C. 4733 and O.A.C. 4733 and issue a notice for opportunity for hearing. Mr. Hasbrouck did not request a hearing.

In accordance with R.C. 4733.20 (E) the Board reviewed evidence and made the following motion:

Motion by Mr. Ringle, second by Mr. Cox, to issue a final order finding Mr. Hasbrouck and Hasbrouck Engineering, Inc. guilty of violating R.C. 4733.16, 4733.20 (A)(2)(3) and Ohio Administrative Code 4733 25-01, 4733-35-02 and 4733-35-07 (A) and (B) and to revoke Mr. Hasbrouck's registration as a professional engineer registration and the firm's Certificate of Authorization. Motion carried.

10. CORRESPONDENCE

A. Request for Board Approval of Proposed Surveying Coursework

James Stevenson requested Board approval of his proposed plan of study to obtain registration as a professional surveyor. Stevenson is a graduate engineer earning a Bachelor's of Science in Civil Engineering from the University of Toledo in December 2008. Stevenson has submitted a list of

proposed courses from the University of Wyoming. According to ABET's records the University of Wyoming does not, nor has it ever, had an ABET accredited surveying program at the bachelor's or associate's degree levels.

The Board directed Mr. Greenhalge to request additional course descriptions and forward them to Mr. Cox to complete the evaluation.

11. NEW BUSINESS

None discussed.

12. UNFINISHED BUSINESS

Mr. Greenhalge reported that he is still gathering information on the EPA's self-certification process for SPCC plans as well as information pertaining to the performance of environmental engineering work on public works projects by non-engineers.

13. PUBLIC RELATIONS

Mr. Greenhalge is scheduled to conduct a presentation on the Board's laws and rules at the Cincinnati Metropolitan Sewer District on July 23, 2014. Mr. Greenhalge is scheduled to conduct a presentation on the Board's Code of Ethics at AEP headquarters on July 29, 2014.

14. UPCOMING BOARD MEETINGS

The next meeting is scheduled for Tuesday August 19, 2014.

15. ADJOURNMENT

The Board adjourned at 1:07 p.m.

These minutes were written on July 16, 2014 and approved by the Board on August 19, 2014.

Nelson E. Kohman
Board Vice Chair

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

John F. Greenhalge
Executive Director