

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

Wednesday January 19, 2011

Members Present:

Theodore B. Hubbard, P.E., P.S.	Chair
Chandra Shah, P.E.	Vice Chair
James D. Mawhorr, P.E., P.S.	Member
Frank D. Snyder, Jr., P.S.	Member
Keith Swearingen, P.E., P.S.	Member

Staff Present:

John F. Greenhalge	Executive Director
Lynn Jones	Assistant Executive Director
Jason P. McLean	Enforcement Supervisor
Karen Schick	Administrative Assistant
James M. Evans	Assistant Attorney General

CALL TO ORDER

The State Board of Registration for Professional Engineers and Surveyors held its regular meeting on Wednesday January 19, 2011 at 50 West Broad Street, Suite 1820, Columbus, Ohio 43215 in the Board conference room. Chairman Hubbard called the meeting to order at 9:30 a.m.

INTRODUCTION OF NEW BOARD MEMBER

Governor Strickland appointed Keith Swearingen, P.E., P.S. to the Board for a term beginning December 7, 2010 and ending September 24, 2015. Mr. Swearingen replaces Bert Dawson, P.E., P.S.

APPROVAL OF MINUTES

The minutes of the November 17, 2010 Board meeting were presented for approval.

***Motion by Mr. Shah, second by Mr. Mawhorr, to approve the November 17, 2010 meeting minutes.
Motion carried.***

RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Present at the meeting:

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

EXECUTIVE SESSION

Motion by Mr. Shah, second by Mr. Mawhorr, to go into Executive Session pursuant to Ohio Revised Code, Section 121.22 (G) (1,3), to consider complaints against licensees or regulated individuals and to discuss personnel matters. Mr. Greenhalge recorded a roll call vote:

Roll call vote:
Mr. Swearingen- Yes
Mr. Snyder- Yes
Mr. Hubbard - Yes
Mr. Shah – Yes
Mr. Mawhorr- Yes

Motion carried. The Board entered into executive session at 9:35 a.m.

Only the Board members attended the Executive Session. The executive session ended at 9:40 a.m.

ELECTION OF OFFICERS AND APPOINTMENT OF EXECUTIVE DIRECTOR

Motion by Mr. Snyder, second by Mr. Swearingen, to appoint Mr. Hubbard as Chair, Mr. Shah as Vice-Chair and Mr. Mawhorr as Secretary. Motion carried.

Motion by Mr. Shah, second by Mr. Mawhorr, to re-appoint Mr. Greenhalge as Executive Director. Motion carried.

Motion by Mr. Shah, second by Mr. Mawhorr, to have Mr. Mawhorr sign Board paperwork as Secretary effective this meeting. Motion carried.

BOARD REVIEW OF APPLICATIONS

1. Robert J. F. Goodfellow- Comity Applicant

Robert Goodfellow has applied for registration as a professional engineer in Ohio. He is currently licensed in Virginia. Mr. Goodfellow has a Bachelors degree in Civil Engineering from Imperial College of London, England. In accordance with Board policy Mr. Goodfellow obtained a degree evaluation from NCEES Credentials Evaluations. The evaluation shows that Mr. Goodfellow is six semester hours short in Humanities and Social Science. Mr. Goodfellow has sent the Board a letter requesting the Board to waive the requirement that he complete the six semester hours.

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

2. Michael E. Kraft- Comity Applicant

Michael E. Kraft has applied for registration as a professional engineer in Ohio. He is currently licensed in North Dakota. On his Ohio application Mr. Kraft reported a conviction for disorderly conduct reduced from assault.

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

3. Zhenning Cao- FE Exam Applicant

In accordance with Board policy Zhenning Cao obtained a degree evaluation from NCEES Credentials Evaluations. The evaluation shows that Mr. Cao is four semester hours short in mathematics and basic science. Mr. Cao completed a four-year engineering degree program and received a Bachelor of Engineering in Welding from Jilin University of Technology in China. Mr. Cao also received a Master of Engineering in Welding from Harbin Institute of Technology in China. He also completed an advanced mathematics course: Numerical Analysis (4 credits).

Motion by Mr. Shah, second by Mr. Mawhorr, to approve the application. Motion carried.

4. Dale White- PE Exam Applicant

Mr. White has a Bachelor of Science in Environmental Studies from Slippery Rock University (1983) and a Master of Science (1986) and Ph.D (1988) in geography from Penn State University. He earned a Master of Science in Environmental Engineering from Ohio State University in June 2009. In June 2010 Mr. White wrote a letter to the Board to ask when he should begin calculating the four years of engineering experience required to take the PE examination. The Board calculates engineering experience after graduation from a four year engineering curriculum, with up to two years of co-op experience allowed prior to graduation provided it does not overlap with the education requirement.

At its meeting in June 2010 the Board reviewed the information sent by Mr. White and directed Mr. Greenhalge to advise Mr. White that the Board may consider work experience obtained during enrollment in the graduate Environmental Engineering curriculum provided it meets the Board's guidelines and was obtained under the direction of a professional engineer. In order for the Board to evaluate the experience Mr. White was advised that he must submit a completed exam application for evaluation.

R.C. 4733.11 (A)(1)(b) provides: A specific record of four years or more of practical experience in engineering work completed in addition to, and not overlapping in time, any school work completed under division (A)(1)(a) of this section that is acceptable to the board, not more than two years of which may be before graduation but after the completion of the second year of college, indicating that the applicant is competent to be placed in responsible charge of such work. The law does not address experience credit earned during enrollment in a masters program.

Motion by Mr. Shah, second by Mr. Snyder, to deny the application since Mr. White does not have two years of experience after graduation from an engineering curriculum. Motion carried.

The Board directed Mr. Greenhalge to advise Mr. White that he will be eligible for the October 2011 exam provided he maintains employment in his current position.

5. Floyd A. Keels- Comity Applicant

Floyd A. Keels has applied for registration as a professional engineer in Ohio. Mr. Keels is currently licensed in Georgia. On his Ohio application Mr. Keels reported a conviction in U.S. Federal Court for conspiracy to possess with intent to distribute a controlled substance.

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

6. Justin A. Bischof- PS Exam Applicant

In June 2006 Mr. Bischof completed a degree in Natural Science from the University of Cincinnati's OMI College of Applied Science. It appears that Mr. Bischof began work on the degree in autumn 1998. At the time Mr. Bischof started the program it was an approved program allowing graduates to take the surveying exams. The University of Cincinnati discontinued the program in approximately 2000. Mr. Bischof has submitted an application and has requested Board approval to take the Fundamentals of Surveying examination.

At its meeting in November 2010 the Board directed Mr. Greenhalge to have one of the Board's exam consultants evaluate Mr. Bischof's transcripts and coursework. The evaluation was received on December 30, 2010. The Board reviewed the evaluation.

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

7. Power Solutions Group, Ltd- C of A Applicant

Power Solutions Group has applied to have their certificate of authorization (COA) reinstated, which expired on June 30, 2007. The firm reported that during the time the COA was expired they have performed 43 engineering projects.

No action taken.

8. Horizon Surveying, Inc. and Design Homes & Development Co, Inc.- C of A Applicant

Paul MacCallum, P.S. has requested that his COA for Horizon Surveying be reinstated. Mr. MacCallum is also requesting to be listed on the application as the person responsible for surveying for Horizon Surveying as well as Design Homes & Development Co. Mr. MacCallum stated that he is the only employee for Horizon Surveying and that it is a side business. He is a full-time employee of Design Homes & Development Co. Mr. MacCallum reported that while Horizon's COA was expired he performed nine surveys.

No action taken.

9. Maze Design Inc.- C of A Applicant

As a result of a complaint Maze Design was notified that the firm needed to obtain a COA to provide engineering in Ohio. The firm's COA application listed a professional engineer who resides in Texas as the person in charge of engineering for the firm. The company is located in Indiana.

No action taken. Additional information requested.

APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Reports of December 28, 2010, January 4, 11, 18, 2011 were presented for review and approval by the Board.

Motion by Mr. Mawhorr, second by Mr. Snyder, to approve the December 28, 2010, January 4, 11, 18, 2011 CRC reports. 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. Shah, to approve the registrations issued since the last Board meeting. Motion carried.

EXECUTIVE DIRECTOR'S REPORT

Mr. Greenhalge presented his report to the Board.

Mr. Greenhalge gave an update on proposed legislation to exempt sewage treatment system designers and installers from RC 4733 and his meetings and discussions with interested parties. Mr. Greenhalge and Mr. Snyder believe progress has been made with the Department of Health and are waiting for Rebecca Fuggitt to schedule the next meeting. Representative Amstutz has notified the Board that he will introduce legislation exempting sewage treatment system designers from R.C. 4733.

Mr. Greenhalge distributed the 2nd quarter financial report.

Mr. Greenhalge reported that 25,215 renewal applications have been received for 2011. 26,926 renewals were sent. Mr. Greenhalge reported that the on-line renewal process went well with 94% renewing on-line. Late renewal notices were mailed last week.

Mr. Greenhalge distributed a letter and brochure prepared by the Boards & Commissions Strategic Planning Subcommittee that was sent to Governor Kasich. The letter and brochure are informational and summarize the functions of Ohio's 25 regulatory Boards served by the Central Service Agency. The brochure will also be distributed to the engineering and surveying societies.

Mr. Greenhalge gave the Board an update on the IT reconfiguration and a spreadsheet identifying potential cost savings. By replacing the Board's T1 line and sharing internet services with the Counselors and Social Work Board, the Board expects to save \$763.00 per month in IT costs.

DR. LLOYD HERMAN, OHIO UNIVERSITY DEPARTMENT OF CIVIL ENGINEERING- 10:15 a.m.

Dr. Herman met with the Board to discuss the surveying courses submitted by Ohio University for the *Surveying Courses Worksheet* and the Board's evaluation of the courses submitted by Ohio University. Dr. Hermann is concerned that current civil engineering students may not be eligible for the surveying exams since a few of their classes were not approved by the Board.

Mr. Greenhalge will work with Dr. Hermann to obtain additional information about the courses and will provide Dr. Hermann with an outline of the material required for each subject area.

EXECUTIVE SESSION

Motion by Mr. Shah, second by Mr. Mawhorr, to go into Executive Session pursuant to Ohio Revised Code, Section 121.22 (G) (1,3), to consider complaints against licensees or regulated individuals and to confer with Board counsel regarding pending litigation. Mr. Greenhalge recorded a roll call vote:

Roll call vote: ***Mr. Swearingen- Yes***
 Mr. Snyder- Yes
 Mr. Hubbard - Yes
 Mr. Shah – Yes
 Mr. Mawhorr- Yes

Motion carried. The Board entered into executive session at 11:22 a.m.

Only Mr. Greenhalge and the Board were present for the first 10 minutes of the Executive Session. Mr. Hubbard invited Mr. Greenhalge, Mr. Evans, Ms. Jones, Mr. McLean and Ms. Schick to attend the remainder of the executive session. The executive session ended at 12:32 p.m.

ACTIONS TAKEN AS A RESULT OF EXECUTIVE SESSION

Professional Engineer Case No. 11-048

SUBJECT PE was randomly selected for the Board's continuing professional development audit. SUBJECT PE failed to respond to the audit. On January 19, 2011 charges were filed with the Board's Secretary for violating R.C. 4733.151 based on SUBJECT PE's failure to respond to the audit.

Motion by Mr. Shah, second by Mr. Mawhorr, to open an investigation, accept the charges and issue a notice of opportunity for hearing. Motion carried.

FE Examinee _____ No Case No. _____

On or about January 3, 2011 the Board received notice from NCEES that SUBJECT had passed the Fundamentals of Engineering examination. SUBJECT did not submit an application and fee to the Board to take the examination. It also appears that SUBJECT would not have been eligible for the examination since she was not scheduled to graduate within six months of the exam.

Motion by Mr. Snyder, second by Mr. Swearingen, to invalidate the exam score and notify NCEES. Motion carried.

Ohio Department of Health _____ No Case No. _____

The Board received information indicating that an unlicensed individual at the Ohio Department of Health may be performing engineering design review.

The Board directed Mr. Greenhalge to draft a letter outlining the requirements of R.C. 4733 and try to schedule a meeting with the Ohio Department of Health.

Jeffrey Uroseva _____ No Case No. _____

Update only.

Jeffrey Uroseva has filed a Writ of Mandamus in Franklin County Common Pleas Court requesting the court to require the Board to conduct a hearing concerning Mr. Uroseva's latest application to take the PE examination.

Mr. Uroseva previously applied to take the PE examination in June 2008. The application was denied since Mr. Uroseva's experience was not acceptable to the Board. Mr. Uroseva requested a hearing. The Board adopted the hearing examiner's recommendation and issued an order denying Mr. Uroseva's application. Mr. Uroseva appealed the Board's order in Mahoning County Common Pleas Court but later voluntarily withdrew his appeal. This latest court action involves Mr. Uroseva's application for the October 2010 examination, which was incomplete and did not include any additional evidence of acceptable engineering experience.

Professional Engineer _____ Case No. 10-037 _____

On November 18, 2009 the Board received a complaint alleging that SUBJECT PE had provided incorrect information in a structural inspection report.

The Board reviewed the complaint and directed the Board to close the complaint since it appears to be a matter for civil court.

Professional Engineer _____ Case No. 10-038 _____

On November 18, 2009 the Board received a complaint alleging that SUBJECT PE failed to inform a homeowner that their home did not meet code requirements.

The Board reviewed the complaint and directed the Board to close the complaint since it appears to be a matter for civil court.

Unlicensed Firm Case No. 11-005

The Board received information indicating that SUBJECT FIRM may be providing engineering services without a certificate of authorization. The firm offers comprehensive electrical engineering services on its website.

The Board directed the staff to send the firm a letter advising them to remove any and all references to engineering from their website and other advertisements.

Professional Engineer Case No. 11-014

On September 17, 2010 the Board received a complaint alleging that SUBJECT PE had prepared a report and made modifications to engineering drawings prepared by the complainant. The complainant claims that he was never contacted by SUBJECT PE or anyone at her firm requesting permission to modify the plans.

No action taken. Additional information is needed.

Professional Engineer Case No. 11-025

On October 21, 2010 SUBJECT PE self-reported on his annual renewal application a conviction for misdemeanor theft in Florida.

The Board directed the staff to send SUBJECT PE a letter reminding him of the Board's Code of Ethics for professional engineers. No further action was taken.

Professional Engineer Case No. 09-076

On May 6, 2009 the Board received a complaint alleging that SUBJECT PE had accessed his former employer's secure server to obtain engineering design information after leaving the firm.

Motion by Mr. Mawhorr, second by Mr. Shah, to open an investigation. Motion carried.

Professional Engineer Case No. 11-038

On November 9, 2010 SUBJECT PE reported on his annual renewal application that he voluntarily surrendered his Arkansas PE registration at a time when he was under investigation by the Arkansas Board for violations of the Arkansas practice act. SUBJECT PE surrendered the license in lieu of disciplinary action by the Arkansas Board. On January 19, 2011 charges were filed with the Board's Secretary for violating R.C. 4733.20 (A)(5) and O.A.C. 4733-35-08 based on the disciplinary action in Arkansas.

Motion by Mr. Snyder, second by Mr. Mawhorr, to open an investigation, accept the charges and issue a notice of opportunity for hearing. Motion carried.

Professional Engineer Case No. 11-049

SUBJECT PE was randomly selected for the Board's continuing professional development audit. SUBJECT PE failed to respond to the audit. On January 19, 2011 charges were filed with the Board's Secretary for violating R.C. 4733.151 based on SUBJECT PE's failure to respond to the audit.

Motion by Mr. Snyder, second by Mr. Mawhorr, to open an investigation, accept the charges and issue a notice of opportunity for hearing. Motion carried.

Professional Engineer Case No. 11-050

SUBJECT PE was randomly selected for the Board's continuing professional development audit. SUBJECT PE failed to respond to the audit. On January 19, 2011 charges were filed with the Board's Secretary for violating R.C. 4733.151 based on SUBJECT PE's failure to respond to the audit.

Motion by Mr. Snyder, second by Mr. Mawhorr, to open an investigation, accept the charges and issue a notice of opportunity for hearing. Motion carried.

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

EXAMINATIONS

October 2010 Exam Statistics

Mr. Greenhalge distributed the exam statistics for the October 2010 examinations

	Applied	Approved	Registered	Examined	Passed	% Passed	Failed	% Failed
FE	489	476	368	320	184	57.5%	136	42.5%
FS	30	30	25	24	13	54.2%	11	45.8%
FUND	519	506	393	344	197	57.3%	147	42.7%
PE	424	385	307	299	169	56.5%	130	43.5%
PS*	33	20	18	17	9	52.9%	8	47.1%
P&P	457	405	325	316	178	56.3%	138	43.7%
Totals	976	911	718	660	375	56.8%	285	43.2%

*PS and OHPS combined. Applied and approved numbers are a statistical anomaly because all candidates do not take both exams.

Schedule for October 2011 Examinations

Listed below for Board approval is the examination schedule for the examinations to be held on October 28-29, 2011.

June 14	Credential Review Committee (CRC)
July 1	Examination application deadline (postmarked)
June 28	CRC
July 5, 12, 19, 26	CRC
August 1	Deadline for re-exams, students
August 2, 9	CRC
August 16	Final CRC for October 2009 Exams
September 9	NCEES Deadline
October 28	PE, PS exams
October 29	FE, FS exams

Motion by Mr. Snyder, second by Mr. Mawhorr, to approve the October 2011 exam schedule. Motion carried.

Ohio Professional Surveyor Exam Workshop

The Ohio Professional Surveyor Exam workshop was held on Saturday November 20, 2010 at the Marriott Hotel in Dublin, Ohio. Mr. Greenhalge distributed the exam summary report provided by Test, Inc.

Ohio State University's Environmental Engineering Program

The Board received an e-mail from Dr. Edward B. McCaul advising the Board that Ohio State will replace the Environmental Engineering option in Civil Engineering with a separate Environmental Engineering program. The Environmental Engineering option in Civil Engineering, which is EAC/ABET accredited, will no longer be offered by Ohio State. The Environmental Engineering degree will be undergoing accreditation this fall. Some of the students decided to switch programs to the new BS degree in Environmental Engineering rather than stay in the Environmental Engineering option in Civil Engineering and some of those students will be graduating this spring. Dr. McCaul is requesting an exception from the Board to allow graduates of the Environmental Engineering program to take the Fundamentals of Engineering examination while the program is undergoing accreditation.

The Board directed Mr. Greenhalge to advise Dr. McCaul that the graduates of the Environmental Engineering program will be permitted to take the examinations once the program is accredited.

NCEES BOARD PRESIDENTS ASSEMBLY

The NCEES Board President's Assembly will be held on February 11-12, 2011 in Atlanta, Georgia. NCEES will pay all expenses for the Board Chairman, or his designee, and the Board's Executive Director to attend the meeting. Mr. Greenhalge is scheduled to attend.

NCEES CENTRAL ZONE MEETING

The NCEES Central Zone Interim meeting is scheduled for May 5-7, 2011 in Detroit, Michigan. Mr. Greenhalge will be designated as the Board's funded delegate.

CORRESPONDENCE

None

NEW BUSINESS

None

OLD BUSINESS

None

PUBLIC RELATIONS

Mr. Snyder and Mr. Hubbard are scheduled to speak at the PLSO annual meeting in Cleveland on February 10, 2011.

FEBRUARY BOARD MEETING

The February meeting is scheduled for Wednesday February 16, 2011.

MARCH BOARD MEETING

The March meeting is scheduled for Wednesday March 16, 2011.

ADJOURNMENT

The Board adjourned at 12:52 p.m.

These minutes were written on January 20, 2011 and approved by the Board on February 16, 2011.

Theodore B. Hubbard, P.E., P.S.
Board Chair

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

John F. Greenhalge
Executive Director