

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

Tuesday November 15, 2011

Members Present:

James D. Mawhorr, P.E., P.S.	Chair
Chandra R. Shah, P.E.	Vice Chair
Frank D. Snyder, Jr., P.S.	Secretary
Keith Swearingen, P.E., P.S.	Member
Nelson E. Kohman, P.E.	Member

Staff Present:

John F. Greenhalge	Executive Director
Lynn Jones	Assistant Executive Director
Jason P. McLean	Enforcement Supervisor
Karen Schick	Administrative Assistant
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 November 15, 2011 at 50 West Broad Street, Suite 1820, Columbus, Ohio 43215 in the Board conference room. Chairman Mawhorr called the meeting to order at 9:00 a.m.

APPROVAL OF MINUTES

The minutes of the September 15, 2011 and October 13, 2011 Board meetings were presented for approval.

Motion by Mr. Shah, second by Mr. Snyder, to approve the September 15, 2011 and October 13, 2011 meeting minutes as presented. Motion carried.

RECOGNITION OF GUESTS AND PUBLIC COMMENTS

Present at the meeting:

Matt Lampke, Assistant Section Chief of Business & Government Regulation for the Office of the Ohio Attorney General.

BOARD REVIEW OF APPLICATIONS

1. Robin Petzold- PS Exam Applicant

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

2. Richard Eddinger- Reinstatement Applicant

Motion by Mr. Snyder, second by Mr. Shah, to approve Mr. Eddinger's application for reinstatement of his professional engineer's registration. Motion carried.

APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Report of November 14, 2011 was presented for review and approval by the Board.

Motion by Mr. Shah, second by Mr. Swearingen, to approve the November 14, 2011 CRC report. 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. Swearingen, second by Mr. Snyder, to approve the registrations issued since the last Board meeting. Motion carried.

PUCO NOMINATING COUNCIL

Pursuant to Ohio Revised Code Section 4901.021 (C), the Board chair or his designee serves each year on the PUCO Nominating Council.

Mr. Mawhorr will serve as the Board's representative to the PUCO Nominating Council.

JOINT SOCIETIES MEETING

The annual joint meeting with the engineering and surveying societies will be held on November 21, 2011 at 9:30 a.m. Mr. Mawhorr and Mr. Greenhalge are scheduled to attend.

EXAMINATIONS

1. October 2011 Examinations

All examinations were administered by NCEES Exam Administration Services on October 28-29 in Cleveland, Columbus, and Cincinnati. Mr. Greenhalge monitored the Cincinnati site, Ms. Jones monitored the Columbus site and Mr. McLean monitored the Cleveland site. No incidents were reported.

2. Ohio Professional Surveyor Exam Workshop

The Ohio Professional Surveyor Exam workshop was held on Saturday November 12, 2011 at the Marriott Hotel in Dublin, Ohio. Test, Inc. will provide scores and a report by the end of November.

3. Ohio Surveying Courses Worksheet

- Mr. Cox has completed his review of the courses submitted by Rhodes State College and Owens Community College. A letter and a copy of Mr. Cox's evaluation was sent to each program requesting a response and giving them an opportunity to submit additional information.
- Ohio University has submitted an updated course list for Board review.

This matter will be reviewed at the January 2012 meeting.

EXECUTIVE SESSION

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

Roll call vote:

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

Motion carried. The Board entered into executive session at 9:22 a.m.

Mr. Mawhorr invited Mr. Greenhalge, Ms. Jones, Mr. McLean, Ms. Schick, Mr. Evans and Mr. Lampke to attend the executive session. The executive session ended at 9:35 a.m.

ACTIONS TAKEN AS A RESULT OF EXECUTIVE SESSION

Professional Engineer Case No. 11-089

On May 11, 2011 a complaint was received alleging that an unlicensed drafting company had provided engineering services for the design of an addition and renovations for a local police station. The engineering drawings were sealed by SUBJECT PE. The drafting company does not have a certificate of authorization (COA) to provide engineering services in Ohio. SUBJECT PE entered into a settlement agreement wherein he agreed to pay a \$500.00 fine and receive a reprimand.

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

Professional Engineer Case No. 11-112

SUBJECT is listed as the professional engineer in responsible charge of engineering on a new COA application. A check of NCEES's enforcement exchange database showed that SUBJECT's WV professional engineer license was suspended for one year. The action was not reported to this Board as required by law. On September 15, 2011 the Board opened an investigation. SUBJECT offered to enter into a settlement agreement wherein SUBJECT would pay a \$2000.00 fine, receive a reprimand and his OH PE license would be suspended until such time that SUBJECT's license was reinstated and in good standing in WV.

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

Professional Engineer Case No. 11-044

On February 28, 2011 SUBJECT was selected for the CPD audit. SUBJECT admitted that he did not obtain 15 continuing education hours. SUBJECT entered into a settlement agreement wherein SUBJECT agreed to voluntarily surrender his professional engineer license.

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

Professional Engineer Case No. 10-030

On July 21, 2010 at its regularly scheduled meeting the Board issued a final order revoking Mr. Aziz's professional engineer license for CPD noncompliance. A Nunc Pro Tunc Final Order was issued on August 25, 2010. No appeal was filed with the Board.

Motion by Mr. Snyder, second by Mr. Shah, to close the investigation. Motion carried.

Professional Engineer Case No. 12-038

On February 28, 2011 SUBJECT was selected for the CPD audit. SUBJECT contacted the Board and reported that even though he indicated on his renewal form that he met the continuing education requirement, he did not complete the requirement prior to renewing his registration for 2011. SUBJECT subsequently completed the continuing education. SUBJECT entered into a settlement agreement wherein SUBJECT agreed to pay a \$2000.00 fine and receive a reprimand.

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

Drafting Firm Case No. 11-088

On May 11, 2011 a complaint was received alleging that an unlicensed drafting company had provided engineering services for the design of an addition and renovations for a local police station. The engineering drawings were sealed by a professional engineer. The drafting company does not have a certificate of authorization (COA) to provide engineering services in Ohio. The firm entered into a settlement agreement wherein the firm agreed to immediately to stop advertising to provide engineering services as well as agreed to stop offering or providing engineering services.

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

END OF TOPICS DELIBERATED IN EXECUTIVE SESSION

CORRESPONDENCE

1. Letter from Leonardo Vina, P.E. requesting a medical waiver.

The Board reviewed and directed Mr. Greenhalge to approve Mr. Vina's request for a medical waiver.

NEW BUSINESS

None discussed.

OLD BUSINESS

1. At its meeting on September 15, 2011 the Board reviewed the proposed resolution dealing with incidental practice drafted by the Architect Board's Executive Director Amy Kobe. The Architect's Board reviewed and approved the resolution at their meeting on September 30, 2011.

Motion by Mr. Shah, second by Mr. Snyder, to approve the resolution on incidental practice for signature. Motion carried.

PUBLIC RELATIONS

Mr. Greenhalge and Mr. McLean spoke at the OSPE Fall Conference on November 10, 2011 concerning enforcement issues. Mr. Greenhalge will be speaking at the Columbiana County Engineer's CPD night on November 16, 2011 and the Central Ohio PLSO annual dinner on November 17, 2011. Mr. Greenhalge is speaking at the Canton Regional Society of Professional Engineers meeting on November 29, 2011 concerning enforcement issues.

DECEMBER BOARD MEETING

The December meeting is scheduled for Thursday December 22, 2011.

Motion by Mr. Shah, second by Mr. Kohman, to cancel the December meeting. Motion carried.

JANUARY BOARD MEETING

The January 2012 meeting is scheduled for Thursday January 19, 2012.

HEARING

The Board conducted an adjudication hearing at 9:45 a.m. Mr. Swearingen left the meeting and did not participate in the hearing. The hearing was continued for a future date to be selected by both parties. Testimony ended at 2:45 p.m.

ADJOURNMENT

The Board adjourned at 2:45 p.m.

These minutes were written on November 16, 2011 and approved by the Board on January 19, 2012.

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

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

John F. Greenhalge
Executive Director