

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

Thursday February 21, 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
Keith Swearingen, P.E., P.S.	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 Thursday, February 21, 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.

APPROVAL OF MINUTES

The minutes of the December 13, 2012 Board meeting were presented for approval.

Motion by Mr. Snyder, second by Mr. Swearingen, to approve the December 13, 2012 meeting minutes as presented. Motion carried.

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
Diane Roller, P.E.
Michelle Willis, P.E.
Clyde Mason

Ms. Roller and Ms. Willis, both former Chief Engineers at the Ohio Department of Health, addressed the Board about their concerns related to the staffing of professional engineers at the Ohio Department of Health and the elimination of the Chief Engineer position.

ELECTION OF OFFICERS AND APPOINTMENT OF EXECUTIVE DIRECTOR

In accordance with Ohio Revised Code Section 4733.06, the Board elected a Chairperson, a Vice-Chairperson and a Board Secretary and appointed an Executive Director. Newly elected officers will take office on February 22, 2013.

Mr. Dawson moved to elect a slate of officers: James D. Mawhorr, P.E., P.S., Chair, Keith Swearingen, P.E., P.S., Vice Chair, and Franklin D. Snyder, Jr., P.S., Secretary. Mr. Kohman seconded the motion and the motion carried.

Mr. Dawson moved to reappoint John F. Greenhalge as Executive Director. Mr. Snyder seconded the motion and the motion carried.

Motion by Mr. Snyder, second by Mr. Kohman, to authorize the Executive Director to make editorial changes to motions and minutes for the period beginning January 1, 2013 and ending on December 31, 2013. Motion carried.

In accordance with the National Council of Examiners for Engineering and Surveying (NCEES) bylaws the Board must nominate members to the NCEES Board of Directors for the purposes of representing the Board and voting.

Mr. Snyder moved to nominate Bert Dawson as a member and Amanda Ault as an associate member to NCEES. Mr. Kohman seconded the motion and the motion carried.

BOARD REVIEW OF APPLICATIONS

A. Michael D. Dunevant- Comity Applicant

Dunevant has a BS in Engineering Technology (1993) from Old Dominion University. The Engineering Technology program at Old Dominion is not ABET accredited for surveying. Dunevant received his surveyor registration from Virginia in 1998; therefore, he falls under the requirement that he possess an ABET accredited or Board approved surveying degree in order to become a professional engineer (effective Jan 1993).

The Board reviewed Dunevant's application and directed staff to advise Dunevant that his application is incomplete since he does not have the required education pursuant to R.C. 4733.11.

B. Clinton R. Abbott- Comity Applicant

Abbott is applying for PE registration in Ohio. He is currently licensed in Kentucky. Abbott is a graduate of the University of Louisville completing a BS in Civil Engineering in June 1999. At that time the University of Louisville only requested accreditation for the MS degrees since ABET only permitted accreditation at the undergraduate or graduate level, but not both. That policy has since changed.

Motion by Mr. Dawson, second by Mr. Kohman, to approve Abbott's application for registration as a professional engineer. Motion carried.

C. Culai Silitra- Comity Applicant

Silitra is applying for PE registration in Ohio. Silitra is a graduate of Politehnica University in Bucharest, Romania earning a degree in Electrics/Electric Control. The NCEES degree evaluation found that his degree is 4 semester credit hours short in general education based on the NCEES Education Standard. Silitra passed the FE exam in 2004 and the PE exam in 2006 and is registered in VA, MD and Washington DC.

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

D. Daniel C. Ellis- PE Exam Applicant

Ellis has a BS in Engineering Science from Franciscan University in Steubenville, OH. The program is not ABET accredited. Ellis completed an MS in Civil Engineering on-line at Norwich University in August 2011. The undergraduate Civil Engineering degree at Norwich University is ABET accredited. Ellis's qualifying engineering experience is prior to August 1994. R.C. 4733.11 (A)(1)(a)(b) requires that 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 Board reviewed Ellis's application and directed staff to advise Ellis that he must have his education evaluated by NCEES Evaluation Services and a report sent to the Board.

E. Mark A. Maurer- PE Exam Applicant

Maurer graduated with a BS in Civil Engineering Technology from the University of Southern Illinois. The program was not TAC/ABET accredited when he graduated. Maurer was approved to take the FE in Ohio and passed in 2003. At its meeting on July 19, 2012 the Board reviewed a request from Maurer to take the PE exam. The Board advised Maurer that the Board may approve him for the PE exam since he was previously approved to take the FE but approval will be based on a review of his engineering experience and his completed PE application.

Motion by Mr. Snyder, second by Mr. Kohman, to approve Maurer's application to take the Principles and Practice of Engineering examination. Motion carried.

F. Mark W. Andre- PE Exam Applicant

Andre graduated with a BS in Food, Agriculture and Biological Engineering from Ohio State University in December 2007. On his application to take the PE exam he has listed electrical engineering experience.

The Board reviewed Andre's application and noted that Andre's experience appears to be in electrical engineering while his degree is in Food, Agriculture and Biological Engineering. The Board directed staff to advise Andre that he must select an area of practice and apply for registration based on his education and experience obtained in that particular area of engineering practice.

Motion by Mr. Dawson, second by Mr. Swearingen, to deny Andre's application to take the Principles and Practice of Engineering examination as not meeting the requirements of R.C. 4733.11. Motion carried.

G. Breeze A. Walter- PE Exam Applicant

At its meeting on July 19, 2012 the Board reviewed Walter's application to take the PE exam and determined that the application was incomplete since she did not complete 4 years of engineering experience. The Board's evaluators determined that Walter's experience was mainly in construction cost estimating.

The Board reviewed Walter's application and concurred with the evaluator that Walter does not appear from the information provided to have four years of acceptable engineering experience that indicates Walter can be placed in responsible charge of engineering work.

Motion by Mr. Snyder, second by Mr. Kohman, to deny Walter's application to take the Principles and Practice of Engineering examination as not meeting the requirements of R.C. 4733.11. Motion carried.

H. Daniel T. Ketzer- PE Exam Applicant

Ketzer is requesting 1 year of engineering experience credit that overlaps with full-time employment.

The Board reviewed Ketzer's application and concurred with the evaluator that Ketzer has not provided evidence on the application that he has completed four years of engineering experience. The Board directed staff to advise Ketzer that his application is incomplete.

I. Jeffrey S. Uroseva- PE Exam Applicant

Uroseva is requesting Board approval for engineering experience gained under the direction of David Zofko, P.E. At its meeting on March 15, 2012 the Board reviewed a letter from Uroseva's attorney requesting direction on how Uroseva could obtain his final year of experience.

The Board directed Director Greenhalge to advise Uroseva that when Uroseva submits his application he must be able to verify that he has completed four years of engineering experience acceptable to the Board under the direction of a professional engineer.

Motion by Mr. Snyder, second by Mr. Dawson, to approve Uroseva's application to take the Principles and Practice of Engineering examination. Motion carried.

J. Joshua D. Booher- PS Exam Applicant

Booher is requesting 4 years surveying experience credit based on his part-time employment during evenings and weekends. Since 2008 it appears that Booher has obtained approximately 1095 hours under the direction of a PS.

The Board reviewed Booher's application and directed the staff to advise Booher that his application is incomplete since he has not provided four years of surveying experience on the application.

K. Allen J. Bertke- PS Exam Applicant

Bertke was approved to take the FS examination in April 2012. When he applied to take the PS exam it was discovered that he did not complete the Board approved Cincinnati State/Northern Kentucky surveying program in accordance with Board policy. In May 2004 when the Board approved the joint program leading to a BS in surveying

students were required to complete an associate's degree at Cincinnati State as well as additional surveying courses qualifying as upper level surveying courses at NKU. The student would then complete the bachelor's degree at NKU leading to a degree in Construction Management Technology- Surveying option. Bertke completed a BS in Construction Management in 2006 and completed the Advanced Surveying Certificate program from Cincinnati State in January 2011.

The Board reviewed Bertke's application and directed staff to advise Bertke that his application is incomplete since he must complete a minimum of two years of surveying experience in accordance with R.C. 4733.11.

L. Eric S. Loescher- FE Exam Applicant

Loescher has reported drug and alcohol related arrests and convictions on his application.

Motion by Mr. Snyder, second by Mr. Kohman, to approve Loescher's application to take the Fundamentals of Engineering examination. Motion carried.

The Board noted that Loescher would have to disclose any additional convictions on his application when he applies for the PE examination in four years.

M. Daniel B. Toris- FS Exam Applicant

Toris completed surveying courses at Owens Technical College between spring 2002 and spring 2006. Toris completed a BS in civil engineering in December 2012. At the time he completed the surveying courses the courses were Board approved for civil engineering graduates earning additional surveying courses to take the FS exam. In January 2010 the Board modified the surveying courses worksheet and changed the surveying courses approved to take the FS exam. At its meeting on April 21, 2008 the Board moved to require civil engineering graduates whose applications were filed after January 1, 2009 to follow the new surveying courses worksheet.

The Board reviewed Toris's application and directed the staff to advise him that he must complete surveying courses according to the current surveying courses worksheet since he completed his undergraduate degree after the adoption of the new courses.

N. Richard D. Pehrson- Comity Applicant

Pehrson has applied for PE registration in Ohio. At its meeting on December 13, 2012 the Board requested a degree evaluation and additional information concerning his experience. Since the last meeting the Board has been informed that Pehrson's BS in Fire Protection Engineering Technology from Oklahoma State University is ETAC/ABET accredited. According to statute Pehrson must have completed 8 years of experience prior to taking the PE exam. From the information he submitted it appears that he is short.

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

O. Alex Davies- PE Exam Applicant

Davies has applied to take the PE examination.

The Board reviewed Davies' application and determined that Davies does not appear from the information provided to have four years of acceptable engineering experience that indicates that Davies can be placed in responsible charge of engineering work.

Motion by Mr. Dawson, second by Mr. Kohman, to deny Davies' application to take the Principles and Practice of Engineering examination as not meeting the requirements of R.C. 4733.11. Motion carried.

P. Nick Leone- PE Exam Applicant

Leone has applied to take the PE examination.

The Board reviewed Leone's application and determined that Leone did not provide sufficient detail related to his experience and his supervisor's credentials in order for the Board to determine if he has the requisite experience indicating that Leone can be placed in responsible charge of engineering work. The Board directed the staff to advise Leone that additional information is required if Leone is to reapply.

Q. Daniel C. Niese- FS Exam Applicant

Niese is applying to take the FS examination. Niese is missing a required surveying course on his Ohio University transcript that he claims Ohio University accepted as transfer credit. Niese did provide a transcript from Rhodes State College showing that the course work was completed. Gayle Mitchell, Ph.D., P.E. Chair of Ohio University's Civil Engineering program submitted a letter to the Board verifying that Ohio University equated the course at Rhodes State as equivalent to the Plane Surveying course missing from the transcript.

Motion by Mr. Kohman, second by Mr. Dawson, to approve Niese's application to take the Fundamentals of Surveying examination. Motion carried.

R. Ismael Ibrahim AbuAlhina- FE Exam Applicant

AbuAlhina is applying to take the FE examination. AbuAlhina is a graduate of Al-Mustansiria University (Iraq) earning a degree in Civil Engineering. The NCEES degree evaluation found that his degree is 2 semester credit hours short in general education based on the NCEES Education Standard.

Motion by Mr. Dawson, second by Mr. Snyder, to approve AbuAlhina's application to take the Fundamentals of Engineering examination. Motion carried.

S. The Buckley Group LLC and RJM Engineering Company, Inc.

The Buckley Group has purchased RJM Engineering Company, Inc. Ryan Buckley, P.E. is requesting a COA for both firms. Buckley will be the P.E. responsible for engineering decisions and activities and Thomas Snyder, P.S. will be the P.S. responsible for surveying decisions and activities for both firms. Both firms will be located in the same office and utilize the same staff.

Motion by Mr. Dawson, second by Mr. Snyder, to approve the COA applications for The Buckley Group LLC and RJM Engineering Company, Inc. Motion carried.

T. Hanning Surveying, LLC

Matthew Hanning, P.S. is requesting a COA for Hanning Surveying, LLC.

Motion by Mr. Kohman, second by Mr. Swearingen, to approve the COA application for Hanning Surveying, LLC. Motion carried.

U. HNTB Corporation and HNTB Ohio, Inc.

At its meeting on September 27, 2012 the Board approved a COA for HNTB Corporation. HNTB Corporation was formed to replace HNTB Ohio. HNTB Ohio was advised by the Board to discontinue contracting for new engineering projects while the company was completing its remaining projects. HNTB Ohio is requesting to maintain their COA to offer engineering services and has cancelled the COA for HNTB Corporation.

The Board directed the staff to advise HNTB Ohio that its request to continue to operate as HNTB Ohio is approved.

V. RB Jergens Contractors, Inc. and HLS Services

HLS Services is a division of R.B. Jergens Contractors, Inc. Both firms have applied for a COA. R.B. Jergens has applied for a COA to offer engineering and surveying services. HLS Services, formerly named HLS Engineering and Surveying, has applied for a COA under the new name HLS Services to offer engineering services only.

Motion by Mr. Swearingen, second by Mr. Kohman, to approve the COA applications for RB Jergens Contractors, Inc. and HLS Services. Motion carried.

APPROVAL OF CREDENTIALS REVIEW COMMITTEE REPORTS

The Credentials Review Committee (CRC) Reports of January 2, 9, 16, 30 and February 6, 20, 2013 were presented for approval.

Motion by Mr. Snyder, second by Mr. Swearingen, to approve the Credentials Review Committee Reports of January 2, 9, 16, 30 and February 6, 20, 2013. Motion carried.

1. 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 will be 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.

2. EXAMINATIONS

A. Computer Based Testing Update

Mr. Greenhalge provided the Board with an update from NCEES.

B. Ohio State University Surveying Courses

Mr. Cox completed his evaluation of Ohio State's surveying courses and his recommendation was reviewed by the Board.

Motion by Mr. Snyder, second by Mr. Swearingen, to approve Mr. Cox's recommendations. Motion carried.

The approved courses will be added to the website.

C. October 2013 Exam Schedule

Mr. Greenhalge presented a proposed exam schedule for the October 2013 exams. By statute completed exam applications are due 120 days before the date of the exam. Completed exam applications will be due by Thursday June 27, 2013. The deadline for enrolled students taking the Fundamentals of Engineering examination and re-exam applicants who did not pass in April 2013 will be Thursday July 25, 2013.

JUNE 26, 2013	CRC
JUNE 27, 2013	APPLICATION DEADLINE (OH BOARD)
JULY 3, 10, 17, 24, 31, 2013	CRC
JULY 25, 2013	DEADLINE FOR RE-EXAMS AND STUDENTS
AUGUST 7, 14, 2013	CRC
AUGUST 21, 2013	FINAL CRC FOR OCTOBER 2013 EXAMS
SEPTEMBER 5, 2013	NCEES REGISTRATION CLOSES
OCTOBER 25, 2013	PE/PS EXAMINATIONS
OCTOBER 26, 2013	FE/FS EXAMINATIONS

Motion by Mr. Kohman, second by Mr. Swearingen, to approve the Credentials Review Committee Reports of January 2, 9, 16, 30 and February 6, 20, 2013. Motion carried.

D. October 2012 Exam Statistics

Mr. Greenhalge distributed the October 2012 exam statistics.

	Applied	Approved	Registered	Examined	Passed	Passed	Failed	Failed
FE	574	547	446	393	233	59.3%	160	40.7%
FS	19	19	16	16	11	68.8%	5	31.3%
Fund	593	566	462	409	244	59.7%	165	40.3%
PE	406	374	325	308	176	57.1%	132	42.9%

PS*	22	22	22	22	11	50.0%	11	50.0%
P&P	428	396	347	330	187	56.7%	143	43.3%
Totals	1021	962	809	739	431	58.3%	308	41.7%

*NCEES and OHPS combined.

E. Ohio PS Exam Workshop

The Ohio PS exam workshop is scheduled for Saturday, May 4, 2014 from 8:00 a.m. to 4:30 p.m. at the Marriott Hotel in Dublin, Ohio.

Ann Besch, P.S. has applied to join the PS exam committee.

Motion by Mr. Snyder, second by Mr. Kohman, to approve Ms. Besch as a member of the Ohio PS exam committee. Motion carried.

3. REPORTS

A. Executive Director's Report

1. Personnel Update

Mr. Greenhalge reported that the Licensure/Certification Examiner position previously held by Ms. Ault will be posted soon. Mr. Greenhalge also believes that the Governor's proposed budget will permit the Board to hire an additional investigator.

2. Legislative Update

Mr. Greenhalge distributed draft legislation related to the conversion to computer-based testing. Mr. Greenhalge will begin the process of obtaining sponsors.

3. ELicense upgrade and VOIP conversion

Mr. Greenhalge reported that he and Ms. Ault attended the ELicense 2.0 kickoff Wednesday and that the conversion to the new database will begin in March with an estimated completion date of December 2013.

Mr. Greenhalge reported that he and Ms. Ault attended a meeting with the Ohio Department of Administrative Services (DAS) to review the conversion to voice over internet protocol (VOIP). Based on the information provided the Board will have to purchase new telephones and upgrade infrastructure such as the switch and router. Mr. Greenhalge will work with DAS IT to evaluate the Board's options and costs.

4. 2nd Quarter Fiscal Update

Mr. Greenhalge provided the Board with the 2nd quarter financial statement.

5. 2014/2015 Budget

Mr. Greenhalge distributed Governor Kasich's proposed 2014/2015 budget request. Mr. Greenhalge will testify on March 7, 2013 before the House Transportation, Public Safety and Homeland Security finance subcommittee.

6. 2013 Newsletter

Mr. Greenhalge distributed a draft of the 2013 newsletter for Board review.

7. Financial Disclosures

Financial disclosure forms are available on-line from the Ethics Commission; however, the instructions are not available. Financial disclosure forms are due by May 15, 2013. Mr. Greenhalge and all Board members that served in 2012 are required to file.

8. NCEES Board President's Assembly

The NCEES Board President's Assembly was held February 8-9, 2013 in Atlanta, Ga. Mr. Mawhorr and Mr. Greenhalge attended and provided a report. Mr. Mawhorr discussed NCEES's efforts towards improving licensure mobility among member boards and other countries. Mr. Mawhorr also gave an update on the task force working on engineering surveys. Mr. Mawhorr and Mr. Greenhalge also provided additional information on computer-based testing.

9. NCEES Central Zone Meeting

The NCEES Central Zone meeting will be held April 4-6, 2013 in Biloxi, MS. This is a joint meeting with the southern zone. Mr. Kohman, Mr. Greenhalge and Ms. Ault will attend.

4. ENFORCEMENT

Unlicensed Individual Case No. 12-019

In September 2011 the Board received a complaint from a professional engineer alleging that SUBJECT engaged in the practice of engineering by preparing engineering plans and submitting them to local building departments. SUBJECT affixed the complainants seal to the plans without the complainant's knowledge or permission.

SUBJECT agreed to enter into a settlement agreement wherein he agreed to pay an \$800.00 fine and will not provide or offer to provide engineering services, represent himself or any company to the public as qualified to offer, contract for, and/or provide engineering services in Ohio.

Professional Surveyor Case No. 13-032

In February 2012 SUBJECT was selected for the CPD audit. On March 23, 2012 SUBJECT sent in certificates of completion to the Board. The documentation received was incomplete. SUBJECT was notified via certified mail that

his documentation was incomplete and was given 6 months to resolve the deficiency. SUBJECT submitted additional information; however, he only completed 6 hours of credit.

SUBJECT agreed to enter into a settlement agreement wherein he would pay a \$250.00 fine and agreed to complete a one hour CPD course within 30 days of signing the agreement.

Motion by Mr. Snyder, second by Mr. Kohman, to open investigations, accept the settlement agreements and close the investigations in cases 12-019 and 13-032. Motion carried.

Comity Applicant No Case No.

On October 15, 2012 the Board received an application for registration as a professional engineer from SUBJECT. SUBJECT is a resident of Texas and registered as a professional engineer. In his application SUBJECT also self-reported three (3) prior convictions to include:

1. On September 21, 1999 while in Hempstead, Texas he was pulled over for speeding and subsequently charged and convicted for *Possession of Marijuana*, a class B misdemeanor. SUBJECT received a fine and court costs.
2. On September 23, 2000 while in Pearland, Texas he was charged and subsequently convicted of *Driving While Intoxicated (DWI)*, a class B misdemeanor. SUBJECT received a fine; credit for time served in jail, DWI education class, community service and ordered to participate in a victim impact panel.
3. On April 24, 2010 while in Houston, Texas SUBJECT was pulled over for driving the wrong way down a one way street. SUBJECT explained he was charged and subsequently convicted of *Reckless Driving*, a class B misdemeanor. SUBJECT received a fine and jail time.

It should also be noted that attached to the information SUBJECT submitted it appears that on July 1, 2010 he was charged with DWI while in Houston, Texas. That case was dismissed in October 2010. Also attached to the documentation submitted was information indicating SUBJECT was also convicted of *Driving While License Suspended*, on January 7, 2002 in Bellaire, Texas,

According to the NCEES record dated September 25, 2012, SUBJECT did report that he had a prior conviction. SUBJECT reported to NCEES at that time he had been convicted of reckless driving in 2010 after he had driven the wrong way down a one way street. Nothing else was reported on the NCEES record.

On October 17, 2012 Board staff requested SUBJECT to submit certified copies of any and all journal entries of convictions and a list of all arrests, to include cases where the charges were dismissed and/or involved drugs and alcohol. This additional information was requested because information in the Board's possession indicated SUBJECT had more convictions than what was reported.

On November 4, 2012 Board staff received additional information from SUBJECT wherein he reported the same convictions as before with certified copies of their journal entries and also provided the Board with more arrests and/or convictions. The new information included:

4. On January 7, 2002 while in Bellaire, Texas SUBJECT was charged and subsequently convicted of *Driving While License Suspended*, a class C misdemeanor. SUBJECT received a fine.

5. On July 1, 2010 while in Houston, Texas SUBJECT was charged with *DWI* for failing to comply with field sobriety testing after the police had suspicions of his driving while intoxicated. The DWI case in this instance was later dismissed.

On January 10, 2013 Board staff contacted the Texas Board of Professional Engineers to request internal licensure information on SUBJECT. Board staff received documentation from the Texas Board of Professional Engineers indicating SUBJECT had submitted to their Board additional convictions not reported to the Ohio Board. Documentation received from the Texas Board indicates SUBJECT had also been convicted of the following:

6. On September 23, 2000 while in Bellaire, Texas SUBJECT was charged and subsequently convicted of *Driving While Suspended*, a class B misdemeanor in the state of Texas. SUBJECT received a fine and jail time. This conviction was secondary to the item #2 above regarding the September 23, 2000 DWI conviction.
7. On January 13, 2004 while in Anahuac, Texas SUBJECT was charged and subsequently convicted of *Driving While Suspended*, a class B misdemeanor in the state of Texas. SUBJECT received a fine and jail time.
8. On June 17, 2010 SUBJECT was charged and subsequently convicted of *Public Intoxication*, a misdemeanor in the state of Texas. The Texas Board only received a formal letter from SUBJECT regarding this conviction; there were no journal entries or reports indicating what class misdemeanor, sentencing or jail time. However, a search of Texas state legal codes indicates that public intoxication is a class C misdemeanor.

Motion by Mr. Snyder, second by Mr. Kohman, to deny the application based on the drug and alcohol related arrests and convictions and failure to properly disclose them on the comity application. Motion carried.

Professional Engineer Case No. 12-027

In September 2011 the Board received a complaint alleging that SUBJECT may be in violation of Ohio law by misusing his Ohio professional engineer's seal. The complainant stated that he provides design and shop drawings of a proprietary retaining wall system commonly used on highway projects. A high volume of plans and designs are prepared under his direct supervision and submitted to the State Department of Transportation for review and approval. Complainant stated that he routinely receives plan sets after they have been reviewed by either the State DOT or the State-hired consultant, containing the SUBJECT's seal and signature who is not an employee of his company, and who is not authorized to seal or sign the plans. Complainant states that he has requested numerous times that SUBJECT not place his seal and signature on the plans, as they are not prepared under his direct supervision; however, those requests have been ignored. Additionally, complainant stated SUBJECT often makes revisions, additions and/or modifications to complainant's designs without notifying him or his company.

Motion by Mr. Snyder, second by Mr. Kohman, to open an investigation. Motion carried.

Professional Engineer Case No. 12-118

In June 2012 the Board received a complaint alleging SUBJECT may be in violation of Ohio law because SUBJECT affixed his seal and signature to electrical plans that were not prepared under his direct supervisory control and responsibility and by affixing his seal to engineering work product that was incorrect. Complainant stated that SUBJECT was retained by complainant to provide a plan in the form of electrical load calculations and CAD drawings for the installation of electric baseboard heaters in 26 apartment units. Complainant stated that SUBJECT subcontracted the services out to another firm. SUBJECT reviewed the completed plans then submitted the plans for

plan review. The plan reviewer requested revisions. SUBJECT revised the plans, and the plans were approved. Complainant stated that the heaters were then installed. The property was then inspected and the installation was found to not match the approved drawings. According to complainant the original drawings sealed by SUBJECT and his firm showed existing apartment feeders as 1/0 AWG aluminum wire and the actual wire found was 4/0 AWG type TW aluminum wire. This resulted in the existing feeders being unable to carry the connected load.

No action taken.

Professional Surveyor Case No. 13-013

In September 2012 the Board received a complaint alleging that SUBJECT made a error on a mortgage location survey (MLS) SUBJECT performed in 2011. The complainant bases his allegations on a 2012 boundary survey performed by another surveying firm of the same property. Complainant believes SUBJECT's MLS was off more than 2200/sf.

On November 19, 2012 the Board received a written response from SUBJECT wherein he explained that the Board's notice was his first indication of any problems regarding his MLS for the complainant. SUBJECT attached all his documentation regarding the MLS and explained that he would dispatch a crew to investigate the issue and forward those results. On December 4, 2012 SUBJECT provided Board staff with a revised MLS drawing of the property. SUBJECT explained that the revised MLS drawing was based on new monumentation found in the field.

No action taken.

Unlicensed Individual Case No. 13-016

In September 2012 the Board received a complaint alleging SUBJECT, who does not hold a registration with this Board, is representing himself to the public as an engineer. Attached to the complaint were two (2) business cards and a copy of SUBJECT's LinkedIn page. The business cards and LinkedIn page identify SUBJECT as a Commercial Applications Engineer with a water systems company.

The Board directed the staff to send a warning letter.

Registered Architect Case No. 13-024

In October 2012 the Board received a complaint alleging SUBJECT may be engaging in the practice of engineering based on information contained in a Report of Findings prepared by SUBJECT. The report involves a lawsuit over a drainage ditch that is supposedly causing flooding problems in a person's back yard. Complainant explained that SUBJECT is an architect not an engineer. Complainant further explained the problem has nothing to do with architecture and is an engineering issue as it deals with drainage, slope, elevation, and a drainage ditch.

The Board directed the staff to send a letter advising SUBJECT of Ohio laws and rules as they pertain to practice of engineering.

Unlicensed Firm Case No. 13-039

The Board received a late renewal Certificate of Authorization (COA) application from SUBJECT FIRM. The Board's records show that SUBJECT FIRM's license expired on June 30, 2012 and it has a history of late renewals. The Board staff contacted SUBJECT FIRM and requested a list of projects that SUBJECT FIRM had completed while unlicensed. SUBJECT FIRM reported that they provided engineering services on twenty projects in Ohio during the time their COA was expired.

On February 9, 2012 the SUBJECT FIRM agreed to enter into a settlement agreement wherein the firm agreed to accept a \$5000.00 fine and receive a reprimand for the unlicensed practice of engineering.

Unlicensed Firm Case No. 13-043

The Board received a late renewal application and a request to add a "doing business as" name to SUBJECT FIRM's Certificate of Authorization (COA). The Board's records show that SUBJECT FIRM's license expired on June 30, 2012. The Board staff contacted SUBJECT FIRM and requested a list of projects that SUBJECT FIRM had completed while unlicensed. SUBJECT FIRM reported they provided engineering services on three projects in Ohio during the time their COA was expired.

On February 9, 2012 the SUBJECT FIRM agreed to enter into a settlement agreement wherein the firm agreed to accept a \$500.00 fine and receive a reprimand for the unlicensed practice of engineering.

Motion by Mr. Snyder, second by Mr. Kohman, to open investigations, accept the settlement agreement, close the investigations and approve the COA applications in cases 13-039 and 13-043. Motion carried.

5. CORRESPONDENCE

No correspondence discussed.

6. NEW BUSINESS

No new business discussed.

7. UNFINISHED BUSINESS

No unfinished business discussed.

8. PUBLIC RELATIONS

Mr. Greenhalge and Jim Evans conducted separate presentations at the PLSO Annual Meeting in Cincinnati on February 16, 2013. The certificate ceremony is scheduled for Saturday March 16, 2013 in the Statehouse atrium.

9. UPCOMING BOARD MEETINGS

The next meeting is scheduled for Thursday March 21, 2013.

10. ADJOURNMENT

The Board adjourned at 1:50 p.m.

These minutes were written on February 25, 2013 and approved by the Board on March 21, 2013.

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

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

John F. Greenhalge
Executive Director