



Board Mission, Goals and Procedures

Board Mission. The mission of the State Board of Registration for Professional Engineers and Surveyors (the Board) is to oversee the professions of engineering and surveying by providing for initial registration (licensure) and registration renewals for Professional Engineers, Professional Surveyors and companies which perform professional engineering and/or professional surveying services.

In addition to providing for registration, the Board also enforces its registration act (O.R.C. Chapter 4733) and its administrative rules (O.A.C. Chapter 4733) in order to ensure that registrants comply with accepted standards of practice and the code of ethics in order to protect the public.

Board Goals. The Board's goals are to accomplish the Board's mission in the most complete and efficient manner in order to offer the maximum protection to the public and to provide quality services to its registrants and the general public.

Board Procedures. In order to efficiently register (license) only those individuals and companies that meet the legal require-

ments for registration, the Board and its staff utilize procedures that include the following:

- The Board regularly reviews its laws and administrative rules to ensure protection of the public.
- The Board maintains up-to-date registration records for approximately 35,000 registrants.
- The Board staff thoroughly evaluates the credentials (education and experience) of applicants seeking registration (approximately 5,000 applications each year).
- The Board staff administers examinations twice a year (approximately 3,000 each year). The examinations are uniform across the nation and are prepared and graded by the National Council of Examiners for Engineering and Surveying (NCEES).
- The Board staff maintains an integrated data base software system and a web site in order to process data and maintain all necessary records in a modern office environment in order to facilitate efficient retrieval of data by the staff as needed by the Board, its registrants, applicants and the general public.

• The Board provides information to registrants, professional societies, students, faculty and the general public utilizing a web site, press releases, a newsletter and personal appearances.

Enforcement Procedures. In order to efficiently enforce the Board's registration act and administrative rules, the Board and its staff utilize procedures that include the following:

- All alleged violations are promptly reviewed by the Board's enforcement staff (the Board's Investigator and Executive Secretary, in consultation with the Board's Assistant Attorney General).
- The enforcement staff reviews each complaint/allegation to determine if "probable cause" exists that a violation has occurred.
- When "probable cause" is found, the Board reviews the facts in order to determine whether or not to open a formal investigation.
- After a thorough investigation by the Board Investigator, the Board decides whether or not to prefer formal charges or to seek injunctive action through the courts.
- If formal charges are preferred, an adjudication hearing is conducted (if requested) and the Board subsequently issues a final order which may be appealed through the courts.
- In the vast majority of cases where a violation is found, the issues are resolved and discipline administered using a settlement agreement in lieu of an adjudication hearing, thereby saving time and money for all parties while still accomplishing the Board's objective of achieving compliance with its laws and administrative rules.

Board introduces web site enhancements

The Board's web site (www.peps.state.oh.us) has recently been enhanced in order to better serve the registrants and the public. There is a new section where anyone can easily conduct a search of which results in a list of Professional Engineers, Professional Surveyors or "duals" for any specified Ohio county. The Board staff has received many requests for lists by counties and this new feature will allow anyone with internet access to obtain such a list immediately.

In addition, virtually all of the Board's applications and instructions are also now available for downloading and printing by applicants, thereby providing faster service at less cost.

Don't forget to renew your registration each year by December 31!

Practice Only Within Your Area of Expertise!

The Board registers Professional Engineers and Professional Surveyors without any designation of "discipline" (e.g., civil, mechanical, chemical, welding, etc.), but each registrant is required by the "Code of Ethics for Engineers and Surveyors" (Ohio Administrative Code § 4733-35) only to perform assignments when the registrant is qualified by training and experience in the specific technical field involved.

Ohio Administrative Code (O.A.C.) § 4733-35-03(B) states: "The Engineer or Surveyor shall undertake to perform assignments only when he and/or his consulting support are qualified by training and experience in the specific technical fields involved. In the event a question arises as to the competence of an Engineer or Surveyor to perform an engineering or surveying assignment in a specific technical field of engineering or surveying which cannot be otherwise resolved to the Board's satisfaction, the Board, either upon request of the Engineer or Surveyor or by its own volition, may require him to submit to an appropriate inquiry by or on behalf of the Board." As you can see from the above, a registrant who performs engineering or surveying work outside of the registrant's area of expertise is in violation of the Code of Ethics and is subject to disciplinary action by the Board.

What Is Plan Stamping?

The Board has received many questions regarding what constitutes "plan stamping" and therefore issues these guidelines for Professional Engineers and Professional Surveyors. Ohio Administrative Code § 4733-35-07 (A) IMPROPER CONDUCT states: "The Engineer or Surveyor shall not sign and/or seal professional work for which he does not have personal professional knowledge and direct supervisory control and responsibility."

Plan stamping is demonstrated when a Professional Engineer or Professional Surveyor places his or her registration seal on any drawings, designs, plats, descriptions and/or specifications that he or she did not author or for which he or she did not have *personal professional knowledge* and *direct supervisory control and responsibility*.

Personal professional knowledge is best demonstrated when a Professional Engineer or Professional Surveyor has been personally retained by an owner, registered design professional or a design/build contractor and is personally aware of a project's scope, needs, parameters, limitations and special requirements. It is preferred that the professional engineer or professional surveyor contract directly with the owner for all professional services to be rendered and then subcontract services such as drafting as needed.

Direct supervisory control and responsibility is best demonstrated when a Professional Engineer or Professional Surveyor has direct professional knowledge and is the actual author or has been in responsible charge of a design or project from its very inception to its completion. In some cases it may be necessary for unregistered individuals, such as technicians or drafters, to assist the Professional Engineer or Professional Surveyor; however, the Professional Engineer or Professional Surveyor must maintain responsible charge of the project and total control of all design decisions in order to be in compliance with the Board's laws and administrative rules.

Court Grants Request for Preliminary Injunction

On June 24, 1999 the Board filed for, and was granted, a temporary restraining order in Trumbull County Common Pleas Court against Russell Elwood Boyd, a resident of Sharpsville, Pennsylvania, prohibiting him from engaging in the practice of surveying until he registers with the Board. On July 6, 1999 the same court issued a preliminary injunction prohibiting Mr. Boyd from engaging in the practice of surveying until he registers with the Board. A hearing for the permanent injunction is scheduled for October 19, 1999.

On January 28, 1999 the Board received the first of many complaints alleging that Russell Elwood Boyd is practicing surveying in Ohio in violation of Ohio Revised Code Section 4733.22. Mr. Boyd's Ohio registration as a professional surveyor expired on December 31, 1993 and has not been renewed. According to Ohio Administrative Code Section 4733-25-01, in order for Mr. Boyd to renew his registration in Ohio, he is required to take and pass the *Principles and Practice of Surveying* examination as a condition of reinstatement since more than four consecutive years have elapsed since the date of expiration of his registration. Despite repeated attempts by the Board to contact Mr. Boyd, he has continued to practice illegally.

The Board has also filed criminal charges in Niles Municipal Court and Trumbull County Court East against Mr. Boyd for violations of Ohio Revised Code Section 4733.22. Ohio Revised Code Section 4733.99 provides that whoever violates section 4733.22 by practicing, or offering to practice, the professions of engineering or surveying without being registered shall be fined not less than one hundred nor more than five hundred dollars or imprisoned not more than ninety days, or both. Both jurisdictions are taking action against Mr. Boyd.

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1998–1999 Board Disciplinary Actions

Following is a list of disciplinary actions taken by the Board from September 1, 1998 through July 31, 1999.

SEPTEMBER 1998

Robert E. Claybaker, Eaton, Ohio. Entered into a settlement agreement concerning the use of a seal that is identical in design to the professional engineers seal. Mr. Claybaker agreed to discontinue use of the seal and remove the word *engineered* from his company name.

OCTOBER 1998

Thomas J. Quinn, Cincinnati, Ohio. Alleged to have used the initials P.E. in connection with his name and practiced engineering while he was not registered as a professional engineer in Ohio. Entered into a settlement agreement wherein he agreed to discontinue using the initials P.E. and not practice engineering until he becomes registered in Ohio.

Dennis P. Hagan, P.E., P.S., Thornville, Ohio. Entered into a settlement agreement involving a single occurrence of plan stamping. Mr. Hagan agreed to cease and desist from such practices.

Thomas C. Posko, Waukesha, Wisconsin. Alleged to have sealed plans for the design of an office building when his registration as a professional engineer in Ohio had expired. Entered into a settlement agreement stating he will cease and desist from such actions until his registration is reinstated.

Posko Associates, Inc., Waukesha, Wisconsin. Alleged to have engaged in the unlicensed practice of engineering. Entered into a settlement agreement whereby they will cease and desist from such actions until they obtain a certificate of authorization from the Board.

S & D Design Associates, Inc., Westerville, Ohio. Alleged to have engaged in the unlicensed practice of engineering. Entered into a settlement agreement whereby they will cease and desist from such actions until they obtain a certificate of authorization from the Board.

Larry J. Bill, P.S., Bradford, Ohio. The Board suspended the P.S. registration of Larry J. Bill, P.S. commencing on October 12, 1998 and running continuously through December 31, 1998. Mr. Bill had pleaded guilty to a felony charge of driving while intoxicated.

NOVEMBER 1998

John W. Hagan, P.E., P.S., Thornville, Ohio. Entered into a settlement agreement involving plan stamping. Mr. Hagan agreed to cease and desist from such practices.

JANUARY 1999

Kenneth P. Gelata, Warren, Ohio. Alleged to have held out to the public that he is qualified to offer and/or provide professional engineering services at a time when he was not registered with the Board. Entered into a settlement agreement whereby he will cease and desist from such practices.

Gary Lee House, P.E., Germantown, Ohio. Entered into a settlement agreement regarding plan stamping. Mr. House agreed to cease and desist from such practices.

MARCH 1999

Oline C. Helton, Beavercreek, Ohio. Alleged to have engaged in the unlicensed practice of engineering by preparing plans for the design of a church in Springfield, Ohio. Mr. Helton entered into a settlement agreement that states that he will cease and desist from such practices.

Robert W. Giles, P.E., Houston, Texas. Mr. Giles entered into a consent agreement with the Tennessee Board of Architectural and Engineering Examiners agreeing to the revocation of his certificate of registration to practice engineering in Tennessee. Mr. Giles was found guilty by the Tennessee Board of applying his seal and signature to drawings that were not prepared under his direct supervision and control. Mr. Giles entered into a settlement agreement with the Ohio Board to cease and desist from such practices.

Mark Borntreger dba American Design Systems, Oakwood, Ohio. Alleged to have engaged in the unlicensed practice of engineering. Mr. Borntreger entered into a settlement agreement that states that he will cease and desist from such practices.

MAY 1999

Architectural Services, Inc., Indianapolis, Indiana. Alleged to have engaged in the unlicensed practice of engineering. Entered into a settlement agreement whereby they will cease and desist from such practices until they obtain a certificate of authorization from the Board.

Stephen J. Miller, Jamestown, Ohio. Mr. Miller used a photo copy of Professional Engineer Ned Lindsley's professional seal and affixed it on a set of plans for a warehouse in Greene County. Mr. Miller entered into a settlement agreement wherein he agreed not to provide or offer to provide engineering services until he becomes licensed as a P.E. by the Ohio Board.

Dan A. Bennett, P.E., Wapakoneta, Ohio. Entered into a settlement agreement involving a single occurrence of plan stamping. Mr. Bennett agreed to cease and desist from such practices.

Mark Cavinder, Anna, Ohio. Alleged to have engaged in the unlicensed practice of engineering. Mr. Cavinder entered into a settlement agreement that states that he will cease and desist from such practices.

JULY 1999

J. Ross Taylor, New Castle, Pennsylvania. Engaged in the unlicensed practice of surveying by affixing his Pennsylvania seal to surveys prepared in Ohio. Mr. Taylor entered into a settlement agreement whereby he agreed to cease and desist from such practices.

Courts Uphold Satterfield Suspension

The Board's May 20, 1997 order to suspend the professional surveyor registration of Robert E. Satterfield for one year, to begin May 27, 1997, was stayed in June, 1997 pending an appeal to the Adams County Common Pleas Court. The Board had previously found Mr. Satterfield guilty of misconduct and incompetency due to numerous violations of survey practices and had issued a final order suspending Mr. Satterfield's registration as a Professional Surveyor for a minimum of one year and also requiring completion of two Board-approved college courses in boundary surveying.

On July 6, 1998 the Adams County Common Pleas Court denied Mr. Satterfield's appeal, stating "After reviewing and considering the entire record, the Court finds that the order of the Ohio State Board of Registration for Professional Engineers and Surveyors, dated May 20, 1997, is supported by reliable, probative and substantial evidence, and is in accordance with the laws of this State. That order is hereby affirmed." The decision of the Adams County Common Pleas Court was appealed to the Fourth District Court of Appeals on July 31, 1998.

On May 20, 1999, the Fourth District Court of Appeals denied Mr. Satterfield's appeal and upheld the Board's previous order. Mr. Satterfield's registration as a Professional Surveyor is suspended commencing June 7, 1999 and will end no earlier than June 6, 2000. Reinstatement of Mr. Satterfield's Professional Surveyor's license is contingent upon his completion of two (2) Board approved boundary surveying courses consisting of a total of eight (8) quarter hours.

Promotion of Licensure for Students, Faculty

For many years the Ohio Board has administered the Fundamentals of Engineering (FE) exam at 15 colleges and universities in Ohio which are accredited by EAC/ABET. The Board also meets annually with representatives from these institutions to discuss examination and registration issues. The Board is now offering to administer the Principles and Practice of Engineering (PE) exam at these same institutions to faculty members who have previously passed the FE exam in order to encourage a higher percentage of engineering faculty to become registered as Professional Engineers even though Ohio law does not require registration for the teaching of engineering.

The Board staff also has offered to speak to faculty and student groups at these 15 institutions in order to promote registration and to answer questions about the registration process. The Board believes that a National Society of Professional Engineers (NSPE) brochure entitled "Don't Gamble with Your Career" is a good handout and discussion topic for these sessions, and suggests that students take the exam soon after college while the material is still fresh. The Board stresses to students that paying annual renewal fees for PE registration is very inexpensive "career insurance" that will keep their options open for careers in consulting and other areas even if their immediate career goal is in industry, which does not require PE registration because of the "industrial exemption."

Upcoming Examinations Schedule

April 2000. Deadline for applications for April exams is January 15, 2000. Engineering and Surveying examinations will be held on April 14 (PE/PS) and April 15 (FE/FS).

October 2000. Deadline for applications for October exams is July 28, 2000. Engineering and Surveying examinations will be held on October 27 (PE/PS) and October 28 (FE/FS).

April 2001. Deadline for applications for April exams is January 19, 2001. Engineering and Surveying examinations will be held on April 20 (PE/PS) and April 21 (FE/FS).

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Board Requests Update of Registration Act

The Board has thoroughly reviewed the registration act (O.R.C. Chapter 4733) and has secured sponsorship for introduction of legislation which will be introduced by Representative Kevin Coughlin (R-Cuyahoga Falls). The Board worked with the professional associations (CEAO, CECO, OSPE and PLSO) to determine the revisions that are needed in the registration act. The proposed revisions include:

1. To provide that a Board member will continue his or her term of office until a successor takes office.
2. To revise requirements for "after graduation" experience for engineers and surveyors to allow a maximum of two years of experience credit prior to college graduation, but after completion of the second year of college for engineers.
3. To delete the provisions allowing registration by "eminence" for Professional Engineers or Professional Surveyors.
4. To delete the provision allowing persons with "related-science" degrees to become registered as Professional Engineers.
5. To require a signature and date, in addition to a seal, by registrants on their work products, and to regulate the use of electronic seals.
6. To establish a uniform renewal fee of \$16.00 per year for Professional Engineers and Professional Surveyors.
7. To modify the requirements for a "Certificate of Authorization" for companies which provide or offer to provide engineering and/or surveying services. This revision will eliminate the current "owner head count" requirement but retain majority ownership requirements.
8. To provide the Board authority to issue a "Cease and Desist" order and to impose a fine of up to \$500 per day to individuals or companies which are not registrants but are providing or offering to provide engineering or surveying services in Ohio.
9. To provide the Board authority to impose a fine upon a registrant of not more than \$1,000 for each offense for which the registrant is found to be guilty.

After the legislation is introduced, we will place the bill number on our web site so that interested parties

ODNR, Mining and Reclamation Maps Role of Professional Engineers and Surveyors

In March, 1998, the Professional Land Surveyors of Ohio (PLSO) brought to Executive Secretary Jones' attention that certain portions (e.g., O.R.C. 1513.07, 1514.02, 1563.03, 1563.04, 1571.02 and 1571.04) of the laws administered by the Ohio Department of Natural Resources, Division of Mines and Reclamation (ODNR, DMR), contain language that states that various mining and reclamation maps must be "prepared by a registered surveyor, registered engineer, licensed landscape architect, or competent geologist" and that such language might be in conflict with the definition of "the practice of engineering" (O.R.C. 4733.01D) or the "practice of surveying" (O.R.C. 4733.01F, O.A.C. 4733-31-01).

In a letter dated March 23, 1998 to Lisa Morris, Chief of the Division of Mines and Reclamation, Mr. Jones pointed out such potential conflicts and suggested that future legislation may be needed to eliminate such conflicts if, indeed, they exist as conflicts. In a letter dated July 7, 1998 to Mr. Jones, Ms. Morris replied that the chapters of law administered by ODNR, DMR must follow federal law. In a letter dated July 15, 1998 to Harald Craig, Assistant Attorney General and Lisa Morris, Mr. Jones suggested that a meeting be held to discuss this issue.

On November 16, 1998, a meeting was held with Lisa Morris, (ODNR, DMR), Mark Jones (Engineers and Surveyors Board) and Wayne Light (PLSO). At this meeting, Ms. Morris explained that ODNR's interpretation of O.R.C. chapters 1513, 1514, 1563 and 1571, is that whenever the terms "registered surveyor, registered engineer, competent geologist, or landscape architect" are used, this means "whichever professional is appropriately licensed in the State of Ohio." Ms. Morris indicated that, therefore, no conflict in law exists and she subsequently stated this in a letter dated November 25, 1998.

At the meeting, it was agreed that Mr. Jones would publish this information in a future issue of the Board's newsletter, *Ohio PE/PS Board News*, in order to inform all registrants of these issues to prevent future problems in this area. Ms. Morris will also call upon Mr. Light to speak about these issues at future quarterly meetings of ODNR, DMR.

In conclusion, the potential conflicts between two state agencies' laws were resolved expeditiously by a meeting to come to an understanding rather than by protracted letter writing and the need for legislation.