



P.E./P.S. Newsletter 10/2006

CPD REQUIRED FOR OHIO'S 2008 P.E., P.S. RENEWALS

Continuing education begins in 2007

BEGINNING IN 2007, OHIO'S REGISTERED professional engineers and surveyors will be required to complete 15 hours of continuing professional development. As the Board staff has traversed the state speaking to the many professional associations, societies, colleges and companies, there appears to be overwhelming support for the continuing education requirement. Many of the associations, societies and companies are preparing and offering affordable, yet informative, programs covering a wide range of topics.

The Board does not pre-approve CPD courses nor does the board pre-approve CPD providers. Each registrant is responsible to make sure that the courses they take meet the requirements specified in O.R.C. 4733.151.

NEW BOARD MEMBERS

Dawson, Hubbard appointed to Board

ON NOVEMBER 18, 2005, GOVERNOR Bob Taft appointed Bert Dawson, P.E., P.S. of East Liverpool, to the State Board of Registration for Professional Engineers and Surveyors for a term ending September 24, 2010, replacing Dean Ringle, whose term expired. Mr. Dawson has a B.E. from Youngstown State University and an M.S. from Carnegie Mellon University. Mr. Dawson is the Columbiana County Engineer.

On September 22, 2006, Governor Taft appointed Theodore Hubbard, P.E., P.S. from Cincinnati, to the Board for a term ending September 24, 2011, replacing Ronald Zook whose term expired. Mr. Hubbard has a B.S. in Civil Engineering from the University of Cincinnati. Mr. Hubbard is the Chief Deputy Engineer with the Hamilton County Engineer's Office.

Courses, conferences, seminars and workshops in technical, ethical or managerial topics relevant to the practice of engineering or surveying are acceptable.

CPD hours may be earned in the following ways:

- Successful completion or auditing of college credit courses relevant to the practice of engineering or surveying.

- Successful completion of continuing education courses, either offered by a professional or trade organization, university or college, or offered in-house by a corporation, workshops or professional or technical presentations conducted at meetings, conventions, conferences sponsored by a corporation, other business entity, professional or technical societies, associations, agencies or organizations or other group.

- Successful completion of online courses relevant to the practice of engineering or surveying.

- Teaching relevant courses, seminars or workshops.

- Authoring published papers, articles, or books.

- Being an officer or active committee member in an engineering or surveying society.

- Obtaining a patent.

Providers must also meet the requirements specified in O.R.C. 4733.151. When choosing a course provider, you will want to choose providers that are able to demonstrate that they have knowledge and experience in the areas that they are providing courses.

There are three basic questions that will help you judge if a course is acceptable.

1) Is the activity, course or seminar relevant to the practice of engineering or surveying and does it include technical, ethical or managerial content?

2) Is the provider of the course, seminar, or activity reputable and one that can demonstrate knowledge and expertise on the subject matter?

3) Does the provider supply a course outline and a record of attendance?

If the answer to these questions is yes then the courses will likely meet Ohio's CPD requirement.

The Board does not accept self-directed study. Self directed study is any independent study where an individual has primary responsibility for planning, implementing, and evaluating their effort.

WE HAVE TRIED TO MAKE RECORD keeping as simple as possible. You will need to keep a yearly log showing the type, date, duration, number of hours claimed, instructors names and names of the courses or activities. A sample log is available for your use on the Board's website at <http://ohiopeps.org>. Additionally, you must also keep some proof of attendance, such as a certificate, letter of attendance or any other form that can verify the activity and date completed. You will need to keep the annual log and supporting documentation for three years.

On the annual renewal form the licensee will certify that the information they report pertaining to attendance at relevant CPD programs and completion of relevant CPD activities is true and accurate. Licensees who make false statements are subject to penalties under law.

Each year the Board will audit selected registrants. If selected for an audit, you must submit a CPD activity log and supporting documentation to the Board.

For more information and instructions on the CPD requirement please visit our website at <http://ohiopeps.org>.

DON'T FORGET TO RENEW YOUR OHIO P.E./P.S. ANNUAL REGISTRATION BY DECEMBER 31!

2005-2006 Disciplinary Actions

Ohio's State Board of Registration for Professional Engineers and Surveyors mission is to protect the welfare and safety of Ohioans as it relates to our charter in Ohio Revised Code Chapter 4733 and Ohio Administrative Code Chapter 4733.

The primary goal of our enforcement program is to bring registrants into compliance with Ohio's laws and rules regarding the practice of professional engineering and professional surveying as defined within these chapters. We resolve the majority of complaints we receive by warning letters and educational conferences.

SEPTEMBER 2005

**Joseph L. Myers, R.A.
Willoughby, Ohio**

VIOLATION: Illegal practice of engineering by using his architect's registration seal to seal engineering drawings prepared by unlicensed contractors.

BOARD ACTION: Settlement Agreement to cease and desist.

**Elbert R. Rush, P.S.
Hamilton, Ohio**

VIOLATION: Practiced surveying at a time when his registration as a professional surveyor was expired.

BOARD ACTION: Entered into a settlement agreement, received a written reprimand, registration not renewed until March 13, 2006 and fined \$1,000.

**Nathan B. Carter Jr., P.E.
Meridian, Mississippi**

VIOLATION: Professional registration suspended by another jurisdiction which constitutes a violation of ORC 4733.20 (A) (5) and OAC 4733-35-08.

BOARD ACTION: Settlement agreement to serve a suspension concurrent with the TN suspension.

DECEMBER 2005

**William T. Tipton, E.I.
New Philadelphia, Ohio**

VIOLATION: Failure to follow exam instructions.

BOARD ACTION: The Board will not permit Mr. Tipton to take the Principles and Practice of Engineering examination until October 2010.

**Rachael Marchini, EI
Willoughby, Ohio**

VIOLATION: Failure to follow exam instructions.

BOARD ACTION: The Board will not permit Ms. Marchini to take the Principles and Practice of Engineering examination until October 2010.

**Sameer Awadallah
Uniontown, Ohio**

VIOLATION: Failure to follow exam instructions.

BOARD ACTION: The Board will not permit Mr. Awadallah to take the Principles and Practice of Engineering examination until October 2010.

**Douglas P. Martin, P.S. (suspended)
Toledo, Ohio**

VIOLATION: Mr. Martin continued to practice surveying at a time when his professional registration was suspended.

BOARD ACTION: Issued a Final Order to revoke Mr. Martin's certificate of registration to practice surveying in Ohio.

**Gene E. Arters, P.E.
Twinsburg, Ohio**

VIOLATION: Convicted of a felony in violation of ORC 4733.20 (A) (4) and (5) and OAC 4733-35-08

BOARD ACTION: Issued a Final Order suspending Mr. Arters' registration for two months. The suspension was stayed with the following conditions: placed six months on probation, pay a \$1,000 fine, no further violations of law.

FEBRUARY 2006

**Mark P. Selvaraj
Jacksonville, Florida**

VIOLATION: Admitted to cheating on the Fundamentals of Engineering examination.

BOARD ACTION: The Board passed a motion to not score Mr. Selvaraj's October 2005 Fundamentals of Engineering examination and to not allow him to take the Fundamentals of Engineering examination until October 2010.

**Chris Bostick/Branstock, Inc.
Wixom, Michigan**

VIOLATION: Mr. Bostick provided plans to a client for the design of a pole barn bearing the professional engineer seal of an Ohio licensed

engineer who denied any involvement in the preparation of the plans [Illegal practice O.R.C. 4733.02 and 4733.22].

BOARD ACTION: Settlement Agreement to cease and desist and pay a \$500 fine.

MARCH 2006

**William McErlane, P.E.
Loveland, Ohio**

VIOLATION: Continued to engage in the practice of engineering while his professional registration was expired.

BOARD ACTION: Settlement Agreement wherein he agreed to pay a \$3,000.00 fine, agreed that the Board would not reinstate his professional engineer registration until July 20, 2006 and that in the future he will annually renew his certificate of registration on or before the last day of December each year.

APRIL 2006

**Earl F. McKinney, P.E.
Lexington, Kentucky**

VIOLATION: Professional registration revoked by another jurisdiction in violation of ORC 4733.20 (A) (5) and OAC 4733-35-08.

BOARD ACTION: Issued a Final Order to revoke Mr. McKinney's certificate of registration to practice engineering in Ohio.

**Frank J. Schmidt, P.E.
Arnold, Missouri**

VIOLATION: Professional registration revoked by another jurisdiction in violation of ORC 4733.20 (A) (5) and OAC 4733-35-08.

BOARD ACTION: Issued a Final Order to revoke Mr. Schmidt's certificate of registration to practice surveying in Ohio.

JUNE 2006

**Gary P. Wallace, P.E./G.W. Engineering, Inc.
Columbus, Ohio**

VIOLATION: Continued to engage in the practice of engineering while his professional registration was expired.

BOARD ACTION: Settlement Agreement wherein he received a written reprimand, agreed to pay a \$250.00 fine and that in the future he will annually renew his certificate of registration on or before the last day of December each year.

Continuing professional development requirements

(A) Each registrant for renewal for calendar year 2008 and thereafter shall have completed, within the preceding calendar year, at least fifteen hours of continuing professional development for professional engineers and surveyors.

(B) The continuing professional development requirement may be satisfied by coursework or activities dealing with technical, ethical, or managerial topics relevant to the practice of engineering or surveying. A registrant may earn continuing professional development hours by completing or teaching university or college level coursework, attending seminars, workshops, or conferences, authoring relevant published papers, articles, or books, receiving patent awards, or actively participating in professional or technical societies serving the engineering or surveying professions.

In the case of the board disputing the content of any credit hours or coursework, then the board shall presume as a matter of law that any credit hours submitted by a registrant, or any coursework or activity submitted for approval complies with this section if submitted and a statement signed by a current registrant not otherwise participating in the event, affirms that the material is relevant to the registrant's practice and will assist the registrant's development in the profession.

Credit for university or college level coursework shall be based on the credit established by the university or college. One semester hour as established by the university or college shall be the equivalent of forty-five hours of continuing professional development, and one quarter hour as established by the university or college shall be the

equivalent of thirty hours of continuing professional development.

Credit for seminars, workshops, or conferences offering continuing education units shall be based on the units awarded by the organization presenting the seminar, workshop, or conference. A registrant may earn ten continuing professional development hours for each continuing education unit awarded. Each hour of attendance at a seminar, workshop, or conference for which no continuing education units are offered shall be the equivalent of one continuing professional development hour.

A registrant may earn two continuing professional development hours for each year of service as an officer or active committee member of

“Registrant(s) shall maintain records...for a period of three calendar years...”

a professional or technical society or association that represents registrants or entities composed of registrants. A registrant may earn ten continuing professional development hours for authoring relevant published papers, articles, or books. A registrant may earn ten continuing professional development hours for each such published paper, article, or book. A registrant may earn ten continuing professional development hours for each patent award.

(C) A person registered as both a professional engineer and professional surveyor shall complete at least five of the fifteen hours required under division (A) of this section in engineering-related coursework or activities and at least five of those fifteen hours in surveying-

related coursework or activities.

(D) A registrant is exempt from the requirements of this section during the first calendar year of registration.

(E) A registrant who completes more than fifteen hours of approved coursework or activities in any calendar year may carry forward to the next calendar year a maximum of fifteen of the excess hours.

(F) A registrant shall maintain records to demonstrate completion of the continuing professional development requirements specified in this section for a period of three calendar years beyond the year in which certification of the completion of the requirements is obtained by the registrant. The records shall include all of the following:

(1) A log specifying the type of coursework or activity, its location and duration along with the instructor's name, and the number of continuing professional development hours earned;

(2) Certificates of completion or other evidence verifying attendance.

(G) The records specified in division (F) of this section may be audited at any time by the state board of registration for professional engineers and surveyors. If the board discovers that a registrant has failed to complete coursework or activities, it shall notify the registrant of the deficiencies and allow the registrant six months from the date of the notice to rectify the deficiencies and to provide the board with evidence of satisfactory completion of the continuing professional development requirements. If the registrant fails to provide such evidence within that six-month period, the board may revoke or suspend the registration after offering an adjudication hearing in accordance with Chapter 119. of the Revised Code.

STAFFING UPDATE

Board appointment, new hires

John Greenhalge Executive Director

In April 2006, the Board appointed John Greenhalge as Executive Director. John has been with the Board since 1998 previously serving as the enforcement officer and as the assistant executive director.

Prior to joining the Board, John worked for the Franklin County Prosecuting Attorney's office and Sears Roebuck & Co. John has a Bachelor of Science degree in Business Administration and a Masters of Business Administration degree from Ashland University.

John and his wife Susan live in Lewis Center and have three boys, Taylor 13, Brendan 3 and Andrew 6 months.

Lynn Jones Assistant Executive Director

In August 2006, the Board hired Lynn Jones as Assistant Executive Director. Lynn served 17 years as executive secretary for the State Board of Sanitarian Registration where she was responsible for the overall

functions of the Board including licensing, continuing education, budget development, administering national examinations, investigation of complaints and office management.

Lynn attended Franklin University and began her administrative career with the Ohio Department of Administrative Services in 1977.

Lynn and her husband Michael live in Westerville and have two children, Katie, 25 and Ryan, 24.

Jodi Ross Secretary

In July 2006, the Board hired Jodi Ross as secretary. Jodi is a graduate of Amanda Clearcreek High School and attended Columbus State Community College.

Jodi previously worked as elementary secretary and transportation secretary for Circleville City Schools. Jodi and her husband Scot live in Circleville and have four children, Joshua 16, Austin 15, AJ 13 and Kristin 7.

ENFORCEMENT

How to file a complaint

ANY PERSON MAY FILE A COMPLAINT. The Board policy is that all complaints must be made in writing and should

NCEES, ELSSES

Future exam dates

APPLICATION REQUESTS MUST BE COMPLETED and postmarked at least 120 days before each exam.

2007

PE, PS April 20, October 26
FE, FS, April 21, October 27

2008

PE, PS April 11, October 24
FE, FS, April 12, October 25

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contain sufficient factual evidence to indicate a clear violation of the registration law. Include with the complaint as much factual evidence as possible, including copies of plans, plats, pictures, maps, documents, contracts and the names, addresses and phone numbers of potential witnesses. Any documents received will not be returned.

Most documents received by our office are public records and subject to Ohio's Public Records Act. This law requires nearly all public records to be available for inspection by anyone, upon request.

Boundary disputes and failure to fulfill contractual obligations are not within the jurisdiction of the Board and require legal resolution. Likewise, the Board has no power to order restitution and does not establish or review costs for professional services.

For more information, see our enforcement page at <http://ohiopeps.org>.

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