

**OHIO STATE BOARD OF REGISTRATION FOR
PROFESSIONAL ENGINEERS AND SURVEYORS**

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State Board Accepts Settlement Agreements in 10 Cases

At its meeting on June 15, 2011 the Ohio State Board of Registration for Professional Engineers and Surveyors accepted settlement agreements from **Ronald Booth, P.E., Roy L. Brown, P.E., John Germ, Gary Elliott, P.S., David R. Mills, P.S., David Morgan, P.E., Red Plains Surveying Company, Edward Rohr, P.E., Richard A. Schlarman, Sara Sowers, P.E.**

Ronald Booth, a resident of Auburn, Alabama, failed to provide his continuing education documentation for 2008, 2009 and 2010 during the Board's annual audit in accordance with R.C. 4733.151. Ohio law requires that professional engineers and professional surveyors must respond within 30 days to the Board's request for information. Although Booth completed the continuing education requirements the Board did not receive his continuing education documentation until 13 months after the initial audit. Booth entered into a settlement agreement admitting to violations of Revised Code Section (ORC) 4733.151 and Administrative Code Section (OAC) 4733-35-09 and agreed to pay a \$500.00 fine and receive a written reprimand.

Roy Lee Brown, P.E., a resident of Birmingham, Alabama, voluntarily surrendered his professional engineer registration in Kentucky in order to avoid disciplinary action by the Kentucky Board involving allegations that Brown affixed his seal and signature to engineering drawings that were prepared by an unlicensed firm and contained errors and omissions of the acceptable standards of engineering practice. Based on the Kentucky Board's action, the Board accepted a settlement agreement from Brown wherein he agreed to voluntarily relinquish his Ohio professional engineer registration for violating Ohio Revised Code Section 4733.20 (A) (2) and Administrative Code Section 4733-35. Brown would be eligible for reinstatement of his Ohio registration once his registration is restored in Kentucky.

John F. Germ, P.E., a resident of Chattanooga, Tennessee, voluntarily surrendered his professional engineer registration in Oklahoma in order to avoid disciplinary action by the Oklahoma Board involving an allegation of aiding and assisting an unlicensed firm in offering or providing engineering services without a certificate of authorization. Based on the Oklahoma Board's action, the Board accepted a settlement agreement from Germ wherein he agreed to voluntarily relinquish his Ohio professional engineer registration for violating Ohio Revised Code Section 4733.20 (A) (2) and Administrative Code Section 4733-35. Germ would be eligible for reinstatement of his Ohio registration once his registration is restored in Oklahoma.

Gary Elliott, P.E., a resident of Hannibal, Missouri, was found to have aided and abetted the unlicensed practice of surveying in Ohio by affixing his seal and signature to surveying work product prepared by Red Plains Surveying Company an Oklahoma City, Oklahoma based company that did not have a certificate of authorization to offer or provide surveying services in Ohio. Elliott entered into a settlement agreement wherein he agreed to pay a \$500.00 fine and receive a written reprimand for violating Ohio Revised Code Section 4733.20 (A) (3).

David R. Mills, P.S., a resident of Gambier, Ohio, entered into a settlement agreement in order to avoid further disciplinary action based on a complaint that Mills performed a mortgage survey and boundary survey that did not comply with the Standards for Boundary Surveys (O.A.C. 4733-37) and the Standards for Mortgage Location Surveys (O.A.C. 4733-38). In addition to the complaint Mills' company, Tracy and Mills Surveyors, did not have a certificate of authorization to practice surveying in Ohio. Mills entered into a settlement agreement with the Board wherein he

agreed to pay a \$1000 fine, reimburse the property owner for the cost of the survey and cease operating the firm until the firm is granted a certificate of authorization from this Board.

David B. Morgan, P.E., a resident of North Canton, Ohio, was randomly selected for the Board's continuing professional development audit. Morgan 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. Morgan offered to enter into a settlement agreement wherein he voluntarily surrendered his professional engineer registration for violating Ohio Revised Code Sections 4733.151, 4733.20 (A) (1) & (5) and 4733.22.

Red Plains Surveying Company, based out of Oklahoma City, Oklahoma, entered into a settlement agreement wherein the firm agreed to pay a \$2,500 fine and discontinue offering or providing surveying in Ohio until the firm is granted a certificate of authorization. Red Plains Surveying Company was providing surveying services in Ohio at a time when they did not have a certificate of authorization to provide surveying services in violation of Ohio Revised Code 4733.16.

Edward C. Rohr, P.E., a resident of Toledo, Ohio, failed to provide his continuing education documentation for 2008, 2009 and 2010 during the Board's annual audit in accordance with O.R.C. 4733.151. Rohr offered to enter into a settlement agreement wherein he agreed to voluntarily relinquish his Ohio professional engineer license for violations of Ohio Revised Code Sections 4733.151, 4733.20 (A) (1) & (5), 4733.22 and Ohio Administrative Code 4733-35-09.

Richard A. Schlarman, a resident of Columbus, Ohio, was observed by Board staff looking at another examinee's answer sheet on multiple occasions during the Fundamentals of Engineering examination at the Columbus testing site. After the exam Schlarman was interviewed by the Board's investigator and admitted to cheating on the exam. Schlarman entered a settlement agreement with the Board wherein he agreed that he would be prohibited from taking any NCEES exam in Ohio or any other jurisdiction for a period of one year.

Sara L. Sowers, P.E., a resident of Kettering, Ohio, was randomly selected for the Board's continuing professional development audit. Sowers contacted the Board and reported that even though she indicated on her renewal form that she met the continuing education requirement, she did not complete the requirement prior to renewing her registration for 2011. Sowers offered to enter into a settlement agreement wherein she agreed to pay a \$2000.00 fine and receive a reprimand for violations of Ohio Revised Code Sections 4733.151, 4733.20 (A) (1) & (5) and 4733.22.

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